

By Senator Perkins:

Petition numerously signed by citizens of Collin county asking the Legislature to authorize County Commissioners' Courts to appropriate funds to the assistance of the National Co-operative and Demonstrators' work.

By Senator Perkins:

Petition numerously signed by citizens of Plano, Collin county, urging the Legislature to pass the Cotton Belt consolidation bill without amendment, requiring any extensions by either of the lines proposed to be consolidated, the Cotton Belt Railway and the Stephenville, North and South Texas Railway Company.

TWENTY-NINTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, Feb. 23, 1911.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.

Absent.

Murray.

Prayer by Rev. Dr. Bradfield of Austin.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

REGULAR ORDER.

The Chair called the regular order of business. (See Appendix for committee reports and petitions and memorials.)

DEATH OF GENERAL CABELL.

The Chair had the following read to the Senate:

Dallas, Texas, Feb. 22, 1911.

Hon. A. B. Davidson, Lieutenant-Governor, Austin, Texas:

My father, General Cabell, died tonight at 9:30.

BEN E. CABELL.

The above was read and Senators McNealus and Warren offered the following resolution:

Resolved, That when the Senate adjourns today that it do so in honor of the memory of Gen. W. L. Cabell, who died at his home in Dallas, Texas, on Wednesday, February 22, 1911; and that the President of the Senate be and he is hereby requested to telegraph the sympathy of the Senate to the family of that illustrious Southern patriot in this hour of their bereavement.

The above resolution was read and adopted.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 17, A bill to be entitled "An Act to create a more efficient road system for Nolan county, Texas, and making county commissioners ex officio road commissioners of their respective precincts, and prescribing their powers and duties as such, and providing for the compensation of such road commissioners, and providing for the purchase of material for the construction and maintenance of roads and bridges, and providing for the compensation for such material, and prescribing certain duties for road overseers; providing a compensation of \$2 per day for overseers for each day's service per year in excess of five days; providing certain duties for county treasurers; providing that any person liable for road duty any year shall be exempt upon the payment of \$3 into the county treasury; providing for money payment in lieu of work after summons and before date of work; providing that this Act is cumulative of the general

laws and fixing penalties and declaring an emergency."

Senate bill No. 50, A bill to be entitled "An Act to create a more efficient road system for El Paso county, Texas; making the county commissioners of said county ex officio road commissioners and prescribing their duties and compensation; providing for the working of persons subject to road duty upon public roads and city streets, and providing for the amount of time that shall be allowed for teams on road work, and providing for the payment of \$3 in lieu of road work; making delinquent poll tax payers subject to road duty; making it unlawful and providing penalties for injuring any road or anything placed thereon for its benefit, and for injuring trees on any public road, and for throwing nails, tacks, glass and like substances upon any public road, and for hauling over a public road a vehicle with wheels that tear and injure the road, and for erecting fences or other encroachments upon a public road; and providing for the passage of vehicles on the road and fixing a penalty for failure to comply with such provisions; providing for the condemnation of land for road purposes and making it cumulative of the general laws; and declaring an emergency."

Senate bill No. 279, A bill to be entitled "An Act to make an appropriation of \$60,000 for the purpose of erecting, constructing, equipping and furnishing a boys' dormitory at the State Orphans' Home at Corsicana, and declaring an emergency."

Senate bill No. 172, A bill to be entitled "An Act creating a more effective road system for Scurry county, Texas, and making county commissioners ex officio road commissioners of their respective precincts and prescribing their powers and duties as such; and providing for the compensation of such road commissioners; and providing for the purchase of materials for the construction and maintenance of roads and bridges; and providing for the payment for such materials, and prescribing certain duties for road overseers; providing a compensation of two (\$2.00) dollars per day for overseers for each day's service per year in excess of five days; providing certain duties for county treasurers, providing that any person lia-

ble for road duty any year, shall be exempt upon the payment of three (\$3.00) dollars into the county treasury; providing for money payment in lieu of work after summons and before date of work; providing that this Act is cumulative of the general laws and fixing penalty and declaring an emergency."

Senate bill No. 176, A bill to be entitled "An Act to incorporate the city of Laredo, Webb county, Texas, and to grant it a charter; to provide for its form of government; to define its powers and to prescribe its duties and liabilities; to repeal all acts in conflict herewith, and to declare an emergency."

Senate bill No. 201, A bill to be entitled "An Act to create a more efficient road system for Collin county in the State of Texas, and making county commissioners ex officio road commissioners; and prescribing their powers and duties as such, and providing for their compensation as such road commissioners and providing for the condemning of material for the construction and maintenance of public roads and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads and the purchase of supplies for such convicts and reward for the capture of escaped convicts and for the commutation of sentence for faithful service and good behavior and defining the powers and duties of road overseers, and to provide for the summoning of hands and teams for road work and for the allowance of time for services of hands and teams on public roads, and fixing a penalty for violation of same and relieving them from such work by the payment of three (\$3) dollars; and providing further, making this Act cumulative of the general laws now in force, and to repeal all laws in conflict with this Act, and declaring an emergency."

Senate bill No. 240, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times for holding the terms of court therein, and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 207, A bill to be entitled "An Act to increase the authority and duties of the County Commissioners' Court of Hunt county, Texas, and of the County Commissioners of said county, to require said commissioners to devote their entire

time to the affairs of said county, to fix the salaries for the members of said court and to provide for the submission thereof to a vote of the qualified voters of said county, and declaring an emergency."

House bill No. 254, A bill to be entitled "An Act amending Sections 6 and 7 of an Act passed by the Regular Session of the Thirty-first Legislature entitled 'An Act to repeal Chapter 31 of the Local and Special Laws of the Thirtieth Legislature of Texas creating a special road system for Williamson county, Texas, and approved March 20th,' and declaring an emergency."

House bill No. 263, A bill to be entitled "An Act to amend Section 2, Chapter 49, page 45, of the General Laws passed at the Regular Session of the Thirty-first Legislature, relating to taking of fish, the purpose of the amendment being to exempt Coryell county from the operation of this Act, and declaring an emergency."

House bill No. 288, A bill to be entitled "An Act to validate certain deeds and sales made by a commissioner appointed by the commissioners' court of Mason county and by the trustees of the town of Mason, incorporated for school purposes."

House bill No. 401, A bill to be entitled "An Act to create the 'County Court of Galveston County at Law,' to define the jurisdiction thereof, and to conform to such change the jurisdiction of the County Court of Galveston County."

House bill No. 416, A bill to be entitled "An Act to create a special road law for Morris county, Texas, providing for an election for the adoption of this Act; providing for levying and collecting a road tax and for the working on the public roads of said county of those subject to and failing to pay said tax; requiring the commissioners' court of said county to appoint a county road superintendent, prescribing and defining his qualifications and duties and providing for his compensation; defining the duties of the commissioners' court with respect to the public roads of said county; authorizing and providing for the working of the county convicts upon the public roads and for the commutation of sentence of convicts for faithful service and good behavior, not to exceed one-eighth of the whole time of commitment, prescribing the duties of said court with respect to the care and

maintenance of such convicts and providing for officers' fees; authorizing the employment of not exceeding two assistants to the county road superintendent; providing for their compensation and prescribing their duties; authorizing the county road superintendent to contract with a person subject to road duty for hire of wagons and teams, and providing compensation therefor; providing that delinquent poll tax payers shall be subject to three days' road duty, in addition to any other road service to which they may be subject; authorizing delinquent poll tax payers to be relieved from the additional road duty hereby imposed upon payment of \$3.50; requiring the county road superintendent to make quarterly reports under oath and prescribing the duties of the commissioners' court and the county clerk of said court with respect thereto, and prescribing penalties for the failure of the county road superintendent to make such reports and for purposely or wilfully making untrue or incorrect reports, and for misappropriating public funds, or other offenses; providing for the condemnation of land needed for the opening, widening, straightening or draining of the roads; declaring what are public roads of said county and providing for the classification and working thereof; and providing for the establishment of new roads and discontinuance of old ones, and for the establishment and abandonment of neighborhood roads; authorizing the employment of hands and purchase or hire of labor, tools, teams, implements and machinery, and providing for the payment therefor, and prescribing the duties of the county road superintendent and the county clerk with respect thereto; providing, in certain cases, for the making or improvement of public roads and bridges by contract; authorizing the commissioners' court to levy and collect a tax not to exceed fifteen cents on the one hundred dollars valuation, to be used exclusively for road and bridge purposes, and providing for the disbursement thereof and providing penalties for the misuse or misappropriation thereof; to levy such tax; making this Act cumulative of all general laws on the subject applicable to Morris county, except in case of conflict or inconsistency, or where this Act prescribes a different method, manner, power, or right, in

which case this Act shall govern as to Morris county."

House bill No. 431, A bill to be entitled "An Act to render more effective and efficient the present road law of the State of Texas in its application and operation in the county of Jefferson, and to authorize and empower the commissioners court of said county to issue bonds for the construction or purchase of bridges and the construction and maintenance of public roads and highways within said county, and to provide the manner and mode of working the county convicts of said county upon its public roads and highways, and fixing and regulating the compensation of certain of its officers."

Senate Concurrent Resolution No. 17, Requesting Texas Representatives in the National Congress to use their influence with the War Department and the Bureau of Animal Husbandry of the United States Department of Agriculture in having established a breeding station for horses at the Agricultural and Mechanical College, under the direction of the Department of Animal Husbandry.

House bill No. 232, A bill to be entitled "An act to amend the charter of the city of Galveston by amending Section 35 thereof so as to authorize open streets, alleys and public parks; Section 62a thereof so as to include the northwest and northeast quarters of outlot 92 as known and designated on the maps and plats of the city of Galveston subdivision (b) of Section 34 thereof so as to authorize the Board of Commissioners of said city to require the pavement or improvements of the alleys in said city in the same manner as streets and sidewalks may be required to be improved or paved under the present charter and ordinances of the city of Galveston; Section 32 thereof so as to authorize the police and fire commissioner to hear and determine charges against policemen and firemen, and by adding to said charter, Section 34a, authorizing said Board of Commissioners to appropriate and expend annually a sum of not less than three thousand (\$3000) dollars to provide for public entertainment; Section 35a, authorizing said Board to cede and convey streets or alleys in the city of Galveston to the United States government, which said government may need for public purposes; Section 78c, ratifying and confirming an ordinance passed by

the Board of Commissioners of the city of Galveston on June 20, 1910, whereby parts of certain streets in said city are closed, delivered and conveyed to the Union Passenger Depot Company of Galveston for the purpose of building thereon a union passenger depot, and other streets in lieu of those so surrendered by the city of Galveston are furnished the said city by the aforesaid, the Union Passenger Depot Company of Galveston, and further providing for the payment of twenty-five thousand (\$25,000) dollars by the said Union Passenger Depot Company of Galveston for the pavement of the streets so furnished to said city, and further providing for the building of drains and other public works; Section 36a, authorizing said Board of Commissioners to require owners of premises situated in the Sewall Improvement Fill to surface the same or cause the same to be done at the expense of such owners and premises and create a lien thereon, and declaring an emergency."

House bill No. 299, A bill to be entitled "An Act to amend Section 23, Chapter 46 of the Acts of 1901, passed by the Twenty-seventh Legislature of the State of Texas, being an Act entitled 'An Act to create a more efficient road system for Matagorda county, Texas, and making the county commissioners of said county ex officio road commissioners, prescribing their duties as such and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing a penalty for the escape of county convicts and providing the amount of compensation in road time to be allowed by overseers to road work, and providing for the condemnation of land used for public road purposes; providing for the working of delinquent poll tax payers on the public roads; and relieving road hands from the performance of road work by the payment of the sum of three dollars and providing for election for issuance of bonds for bridge purposes, and providing for the making of this law cumulative of the general laws and in case of a conflict this Act to govern as to Matagorda county, Texas, and creating an emergency,' such amendment providing for more adequate compensation for road commissioners of Matagorda county, and declaring an emergency."

House bill No. 300, A bill to be

entitled "An Act to amend Section 23 of the Acts of 1907, passed by the Legislature of the State of Texas, being an Act entitled 'An Act to amend an Act passed by the Twentieth Legislature of the State of Texas, Chapter 74, to create a more efficient road system for Brazoria county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county, and providing a penalty for the escape of county convicts; and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, and road work, and providing for the condemnation of land for public road purposes; and providing for the working of delinquent tax payers on the public roads; and relieving road hands from the performance of road work by the payment of the sum of three dollars; and providing for election for issuance of bonds for bridge purposes; and providing for the making of this law cumulative of the general laws, and in case of a conflict this Act to govern as to Brazoria county, Texas, and creating an emergency,' such amendment providing for a more adequate compensation for road commissioners, and declaring an emergency."

House bill No. 311, A bill to be entitled "An Act to include the counties of Brazoria and Matagorda under the provisions of Articles 5002 to 5042, inclusive, of the Revised Civil Statutes of the State of Texas, and providing for the appointment of an inspector until the next general election, and declaring an emergency."

House bill No. 317, A bill to be entitled "An Act to amend the city charter of the city of Greenville, granted by the Thirtieth Legislature, being Chapter 24 of the Local and Special Laws thereof, and the Acts of the Thirty-first Legislature amendatory of said charter, by adding Section 9a to Article 2, Section 6 to Article 8, and Section 15a to Article 1 thereof; and by amending the following sections: Sections 1, 2 and 15 of Article 3; Section 1 of Article 4; Sections 13a and 15 of Article 10 thereof; to repeal all laws

in conflict herewith, and declaring an emergency."

House bill No. 321, A bill to be entitled "An Act to confer upon the county court of Oldham county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county of said changes; to fix the time for holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

House bill No. 323, A bill to be entitled "An Act to authorize the county commissioners' court of Bexar county, Texas, to levy a special road tax of ten cents on the one hundred dollars valuation in addition to the regular road taxes now authorized by law for the purpose of building good roads and extending, improving and repairing the roads in said county, and declaring an emergency."

House bill No. 324, A bill to be entitled "An Act to amend an Act passed by the Thirty-first Legislature at its Regular Session, being House bill No. 56, styled 'An Act to create a more efficient road system for Bexar county, in the State of Texas, and creating an emergency,' approved February 24, 1909, so as to provide a method for the commissioners' court to protect the roads of Bexar county from encroachment and injury; providing penalties for a violation and declaring an emergency."

House bill No. 345, A bill to be entitled "An Act to create a more effective road system for Scurry county, Texas, and making county commissioners ex officio road commissioners of their respective precincts, and prescribing their powers and duties as such, and providing for the compensation of such road commissioners; and providing for the purchase of materials for the construction and maintenance of roads and bridges; and providing for the payment for such materials, and prescribing certain duties for road overseers; providing a compensation of two (\$2.00) dollars per day for the overseers for each day's service per year in excess of five days; providing certain duties for county treasurers, providing that any person liable for road duty any year shall

be exempt upon the payment of three (\$3.00) dollars into the county treasury; providing for the money payment in lieu of work after summons and before date of work; providing that this Act is cumulative of the general laws and fixing a penalty and declaring an emergency."

House bill No. 428, A bill to be entitled "An Act to authorize and empower county commissioners precincts or any defined subdivision thereof of Burnet county, Texas, to determine by vote of the resident qualified tax paying voters of any county commissioners precinct or any defined subdivision thereof of said county, whether or not the bonds of any such county commissioners precinct or defined subdivision thereof shall be issued in any amount not to exceed one-fourth of the assessed valuation of the real property of such county commissioners precinct or any defined subdivision thereof for the purpose of constructing and maintaining macadamized, graveled or paved roads and turnpikes or in aid thereof within such precincts or defined subdivision thereof; making provisions for issuance and sale of such bonds, the levy and collection of a tax to pay the interest thereon and create a sinking fund to pay said bonds at their maturity; erecting such county commissioners precincts or defined subdivision thereof of Burnet county into road districts; providing that the county commissioner of such county commissioners precinct or defined subdivision thereof shall be ex officio one of the managers of such road district, providing that such county commissioner and the managers elected shall constitute a board of managers for such road district; prescribing the powers and duties of such managers and board of managers for such road districts and fixing their compensation; providing for the execution of bonds by the managers elected, the selection of a depository of the funds belonging to such road district and the execution of bonds by said depository; providing for the calling out of road hands subject to duty and assigned to roads in such road districts, creating such road district into bodies corporate with power to sue and be sued in like manner and only in such instances and for like causes as Burnet county and providing that no such road district shall ever be held liable for torts; providing for the

abolishment of such boards of managers of such road districts by vote of the qualified resident tax paying voters of such road districts; providing that this Act shall control when in conflict with the general laws or the special road law now in force in Burnet county, and declaring an emergency."

House bill No. 439, A bill to be entitled "An Act to confer upon the county court of Wheeler county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas, to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

House bill No. 353, A bill to be entitled "An Act to amend Section 26, Chapter 2, Special Laws of the First Called Session of the Twenty-eighth Legislature, so as to regulate the pay of the road commissioner of Hopkins county."

House bill No. 372, A bill to be entitled "An Act to create a more efficient road system for Anderson county, Texas; prescribing and defining the powers and duties of the county commissioners' court with reference to the public roads; making county commissioners ex officio road commissioners of their respective precincts and prescribing and defining their powers and duties as such; providing for an annual road tax and that payment of same will exempt from road work; designating who are liable to work on public roads, and how summoned, exempted, etc.; providing that this Act be cumulative of all laws on the subject of roads and bridges except when in conflict and that it be taken notice of by the courts as all general laws; prescribing penalties for its violation; repealing all laws in conflict, and providing that this Act go into effect on November 1, 1911."

House bill No. 377, A bill to be entitled "An Act to ratify and confirm an ordinance passed by the board of city commissioners of the city of Galveston on the 19th day of January, 1911, vacating that portion of Eighth street between Avenue A and B in the city of Galveston, to be used for hospital purposes as a part of the John Sealy Hospital, and closing that portion of Eighth street

as a public street, and declaring an emergency."

House bill No. 384, A bill to be entitled "An Act to amend Chapter 18 of the Special Laws of the State of Texas, passed at the Regular and First Called Sessions of the Twentieth Legislature, by amending Sections 10 and 11 of said Act, and declaring an emergency."

House bill No. 385, A bill to be entitled "An Act to create a more efficient road law for Bee county, Texas; defining the powers and duties of the commissioners court in regard to public roads in Bee county; authorizing the employment of a county road superintendent; requiring that he give bond; defining his powers and duties and fixing a limit to his compensation; providing for the adoption of a road system for working and repairing the public roads and bridges and for the laying out and construction of public roads and bridges; giving to the superintendent supervision over all county convicts worked on road; defining the duties of road hands, fixing the time they shall work; providing for the collection of a tax of three dollars and fifty cents on male persons between the ages of twenty-one and thirty-five years, subject to road duty; providing that work on roads and bridges may be let out by contract; authorizing the employment of convicts on the public roads, providing rules and regulations therefor and fixing the sum allowed them for their services; authorizing the commissioners' court to divide the county into two road precincts and empowering the road superintendents to appoint assistants in said precincts; and to contract for wages and teams for use on the public roads; defining the duties of road hands, fixing the time they shall work on said roads and providing for the payment of money in lieu of road work; providing that the county can condemn land for road purposes, declaring what are public roads and classifying them; and authorizing the commissioners' court to levy taxes for road and bridge purposes; making this Act cumulative of the general laws applicable to Bee county, except in case of conflict."

House bill No. 396, A bill to be entitled "An Act to create a more efficient road system for Gregg county, making the county commissioners ex officio road commissioners; providing for compensation for county

commissioners when engaged in road duties; providing for the employment by the commissioners' court of a road commissioner and limiting his salary to be fixed by the court, further defining the duties of road overseers; defining the duties of county commissioners and the road commissioner; providing for the working of county convicts and delinquent poll tax payers on the public roads; authorizing the employment of guards and the discharging thereof; providing for the relieving of delinquent poll tax payers by the payment of \$3 or the payment to the tax collector of poll tax with all interest, penalties and cost; providing for rewards and penalties for escaped convicts; making such liable to the county for \$10 and giving the option of working same out at 50 cents per day, and providing for such to be warned by the road commissioner, and providing a penalty in case of failure to pay or work; providing for the duties of road overseers and road hands, making such subject to furnish teams and providing penalties in case of failure of all persons liable to road duty upon payment of \$3 to the county treasurer on or before February first of each year, giving full powers over the road system to the commissioners' court; providing that all misdemeanor convicts be promptly committed to the road gang and prescribing penalties for any county judge, county attorney, sheriff, deputy sheriff, justice of the peace or constable who shall fail to so commit or deliver all convicts to the road gang or who shall upon any partial payment or deposit of money to be thereafter applied on fine of any defendant continue any defendant's case and providing penalties for a violation thereof; providing and authorizing Gregg county upon a vote of two-thirds majority of resident property tax paying voters thereof who are qualified electors of such county, to issue bonds in any amount not to exceed one-fifth of the assessed values of the real property of said county in annual installments of either \$10,000, \$15,000 or \$20,000, each installment after the first to be issuable at the option of the commissioners' court, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemp-

tion thereof, for the purpose of constructing, maintaining or operating macadamized, graded, graveled or paved roads and turnpikes, or in aid thereof; providing the manner of giving notice of such election, fixing method of issuing such bonds as to rate of interest, maturity, option of redemption; making the law cumulative of the general road laws of the State of Texas, and in case of conflict with the general laws of the State of Texas, this Act to control as to Gregg county, and declaring an emergency."

House bill No. 397, A bill to be entitled "An Act to create a more efficient road system for Bosque county in this State, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners; and providing for the condemnation of material for the construction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts, and rewards for the capture of escaped convicts and for the commutation of sentence for faithful service and good behavior, and defining the powers and duties of the road overseers; and to provide for the summoning of hands and teams for road work, and the allowance for time for service of hands and teams on the public roads, and fixing a penalty for the violation of same, and relieving them from the payment of such work by the payment of three dollars, and providing further for ordering an election to be held in said county by the qualified property taxpaying voters to determine whether or not an additional annual ad valorem tax for road and bridge purposes shall be levied and collected in said county; making this Act cumulative of all the general laws now in force, and to repeal all special laws in conflict with this Act, and declaring an emergency."

House bill No. 441, A bill to be entitled "An Act to amend Sections 7 and 8, Chapter 34, of the Special Laws of the Regular Session of the Thirtieth Legislature, entitled, 'An Act to create a more efficient road system for Washington county, Texas, and making the county com-

missioners of said county ex officio road commissioners, prescribing their duty as such, and providing for their compensation, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped convict, taxing said reward and all actual cost of capturing and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads and relieving them from the performance of said road work by the payment of the sum of \$3; and providing, further making this law cumulative, and in case of conflict this Act shall govern as to Washington county, and to add to said Chapter Sections 15a and 15b, conferring upon the commissioners' court of said county the authority to employ a person, with a salary not to exceed \$100.00 per month, to work under the orders of said court for the purpose of carrying out the provisions of said Chapter."

House bill No. 442, A bill to be entitled "An Act to create a more efficient road system for Wood county, Texas, and making the county commissioners of said county ex officio road commissioners, prescribing their compensation as such road commissioners, and providing for working county convicts upon public roads of said county, and for the payment of the fees of officers and witnesses in such cases and providing for the amount of time to be allowed road hands for their teams, and providing for the payment of \$3.50 in lieu of road service; abolishing the road overseer system in Wood county; making road hands subject to the control of the road commissioners and road superintendents of Wood county, and making road hands subject to road service anywhere in the commissioners' precinct in which they reside, but not exceeding five miles from their place of residence; and providing further, making this law cumulative of the general road laws, and in case of a conflict this

Act to govern as to Wood county; repealing Chapter 11 of the Special Laws of the Second Called Session of the Thirty-first Legislature of Texas; and declaring an emergency.

Senate bill No. 23, A bill to be entitled "An Act for the location and establishment at the East Texas Penitentiary, at Rusk, Cherokee County, Texas, by the Board of Prison Commissioners of the State Penitentiary, of a factory for the manufacture of cotton bagging, cotton sacks, cotton duck, cotton rope, cotton twine and other cotton goods, for the employment of managing experts and of certain convicts in the operation of said factory, to make an appropriation therefor, and the repealing of all laws or parts of laws in conflict with this Act, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read to the Senate:

Governor's Office,

Austin, Texas, Feb. 22, 1911.

To the Senate and House of Representatives:

The Legislature's careful attention is invited to the condition of the State's revenues. In order that a better understanding of them may be had I have prepared the attached statements and tables showing the taxable values and the revenues derived from all sources, for the past fourteen years, 1897 to 1910, both inclusive. The taxable values for 1910 were nearly three times as great as they were for 1897. The revenues for 1898, which included the ad valorem taxes collected on 1897 assessments, amounted to \$2,914,958.00, as against \$5,013,279.25, collected in 1909, and \$4,046,040.44, in 1910. The revenues for the year 1909 were \$2,098,320.25 greater than for the year 1898, and the revenues for 1910 were \$967,238.81 less than for the previous year. The attached data, which is marked "Exhibit A," will more fully illustrate as it shows the sources of revenue and amounts in concise form.

"Exhibit A" will give the Legislature at a glance the sources of revenue, the amount and its disbursement for each of the years named. Including in the revenue statement for the years 1908-1909 is \$1,826,-

309.95 paid into the Treasury on account of fines collected by the Attorney General and the district and county attorney for Travis county. The statement shows a balance of only \$156,258.16 in the Treasury to the credit of general revenue on December 31, 1910, whereas the amount of cash balance in the Treasury one year prior to that date was \$1,093,331.45.

AVAILABLE REVENUE AND EXPENSES.

As was shown in my first message to the Legislature, the total amount of appropriations by the regular and called sessions of the Thirty-first Legislature, and the estimated cost of the present session of the Thirty-second Legislature, would require \$4,079,245.30, with a total possible revenue to meet the same of \$3,846,539.27, showing a probable deficiency of \$232,706.03, not taking into account special appropriations provided for by the Thirty-first Legislature which at the time of writing the message remained unpaid.

I call your attention to the fact that the tax rate of four cents on the one hundred dollars fixed by the Automatic Tax Board on the assessments for 1910, which assessments amounted to \$2,388,500,124.00, produces a total possible revenue of only \$955,400.04; whereas the ad valorem taxes collected for the year 1906 were \$1,198,009.57 more than the total possible revenue from ad valorem taxes levied on the assessments for 1910, which will be available to meet the appropriations for the fiscal year ending August 31, 1911. The ad valorem collections on 1907 assessments were \$1,442,617.89, and on 1908 assessments were \$969,663.31 greater than the four cent tax rate will produce on the assessments for 1910. These figures will serve to show as we progress in the discussion of this question the cause of any possible deficit which the present Legislature will have to provide for.

EXPENSES ALREADY CALLED FOR BY LAW.

The estimated deficiencies now in sight, and required by law, are as follows:

Appropriations already made in excess of revenue	\$232,706.00
Estimated deficiency for penitentiary expenses .	258,000.00
Estimated increased cost of penitentiary management	298,750.00

Estimated cost maintain- ing Confederate Wo- men's Home.....	\$20,000.00
Wolf scalp bounty bill (not yet approved) ..	100,000.00
Establishing leprosy col- ony (act Thirty-first Legislature)	40,000.00
Payment for Reagan pa- pers	10,000.00
Building laundry at Aus- tin Asylum	12,500.00
Deficiency and other ap- propriations by present Legislature	20,000.00
Total	\$991,956.00

In addition to these sums the Agricultural and Mechanical College is asking for \$538,000.00 more than was appropriated to it two years ago; the Girls' Industrial College is asking for \$162,000.00 in excess of what was appropriated two years ago; the West Texas Normal asks for \$80,000.00; the Southwestern Insane Asylum for \$50,000.00; the State Lunatic Asylum for \$37,000.00; the University for \$250,000.00, respectively, more for improvements than was voted to them two years ago.

The chairman of the House Finance Committee advises me that he estimates the demands for increase in appropriations for general improvements and repairs of public buildings, in addition to the sums already mentioned, will equal five hundred thousand dollars.

Appropriations already made by this Legislature, added to the apparent deficiency coming over from the appropriations of the last Legislature, together with the estimated requirements for the penitentiary, if they are allowed and approved, will leave a deficit on the first day of next September of more than one million dollars, to say nothing about the extraordinary appropriations demanded for improvements and betterments of other institutions.

Estimating that the assessed values for 1911 will be \$2,450,000,000, it will require a tax rate equal to the total of that levied on last year's assessments to meet the deficiencies which this administration and this Legislature has inherited from their predecessors, and this estimate does not take into account any deficiency of any of the departments or eleemosynary institutions that may arise between now and the close of the fiscal year.

Reports indicate that some of the buildings at the Terrell and San Antonio Asylums are in very bad condition, and the prison buildings at Huntsville and Rusk are going to decay and ruin.

CAUSE OF THE TROUBLE.

The Constitution prohibits the Legislature from issuing bonds in excess of \$200,000.00 to meet deficiencies. The prospect, therefore, is that unless the Legislature greatly retrenches, the State's warrants will be hawked about the streets of Austin, before the first of September, without money in the Treasury to pay them. This, in my opinion, is largely due to the fact that the Legislature in passing the so-called Automatic Tax Law surrendered to the Executive Department its constitutional prerogative to raise the revenue to meet the expenses of the government. The raising of revenue is clearly a legislative function. Section 33 of Article 3, of the Constitution, says that "all bills for raising revenue shall originate in the House of Representatives" and clearly negates the idea that the power to fix the tax rate for public purposes can be conferred upon a committee composed of heads of executive departments. The Governor, the Comptroller and Treasurer, who are named as the Automatic Tax Board, are all three designated by Article 4, Section 1 of the Constitution, as members of the Executive Department. Article 2 of the Constitution is in the following language:

"Section 1. The power of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted."

Nothing can be plainer, therefore, than that the automatic tax law is unconstitutional, and the tax levied and collected for State purposes under that statute has been unlawfully done. By virtue of this automatic tax law the executive branch of the government has exercised legislative functions. All bills fixing rates for the raising of revenue, until this law was

enacted in 1907, originated in the House of Representatives, and not in the Governor's office. Had the tax rate been fixed by the Legislature, in accordance with the constitutional provisions I have referred to, it would have been based upon estimated requirements as shown by the Legislature's appropriation bills, and could not have been manipulated so as to take advantage of unforeseen conditions and utilize it, as it has been done, for political purposes.

STAND BY CONSTITUTIONAL REQUIREMENTS.

I earnestly insist upon a return to the constitutional method of raising revenue and fixing the tax rate. From present indications it will require from five to five and one-half million dollars to meet the requirements of the appropriation bill for the next fiscal year. Add to this sum unavoidable deficiencies under present laws and conditions of one million dollars and it will require six to six and one-half millions to meet the requirements of the government for the next fiscal year. Estimating the amount which will come into the Treasury from all "other sources" than the ad valorem tax for this and next year, it will equal that from "other sources" for last year, and will still leave two and one-half to three millions which the Legislature will have to raise from an ad valorem tax on property.

Except for the legacy of expense and insufficient revenue which we have inherited from the last administration and Legislature, I do not believe that it would require more than a five cent ad valorem tax rate to meet the necessary current expense, but it will take an additional five or six cents on the hundred dollars to pay the deficiencies which now seem unavoidable because of the insufficient tax rate levied by the Automatic Tax Board on last year's assessments.

INEQUALITY OF PRESENT TAX SYSTEM.

I again urge upon the Legislature the advisability of some action which will provide for the separation of the objects of taxation for State purposes from those taxed for local uses.

After more or less study and investigation of the subject, I am fully convinced that this is the only way by which equalization of the burdens of taxation can be brought about.

By a slight amendment to the taxing article of the Constitution, the Legislature could raise enough revenue from corporate property which can not be successfully reached for local taxation, to meet the ordinary expenses of the government, and leave the counties, cities and towns the taxing of real and personal property for local uses.

The Statutes of this State have always required that property should be rendered for taxation at its full value, and by full value is meant the price at which the property would sell under ordinary conditions. The so-called "full rendition law" has greatly increased the taxable values, but the inequalities under it are as great as the inequalities which existed in the assessment of property for State taxes prior to its enactment.

I have before me a statement which shows 82 counties of the State which paid \$168,513.00 less in taxes for the support of the State government in 1910 than they paid in 1905, whereas the same 82 counties received from the public school fund \$529,183.20 more money in 1910 than in 1905. All the other counties except the 82 referred to, paid more in taxes in 1910 than they did in 1905. This one instance alone serves to show the total lack of equality in the distribution of the burdens and benefits of taxation under the existing law.

AVAILABLE SCHOOL FUND AFFECTED.

I desire also to call the attention of the Legislature to the fact that the recent payment of something over one million dollars of five per cent State bonds by a new issue of three per cent bonds will reduce the available revenue to the school fund from that source something over \$20,000.00.

On account of the continued drought, covering a large area of western and southwestern Texas, thousands of purchasers of school lands may be unable to meet their interest payments promptly. In that case the Land Commissioner is authorized to extend the time for the payment of same, and the revenues to the school fund from that source may be considerably reduced.

The Legislature will also have to take into consideration in fixing the tax rate on the assessments for this year the contingency of the adoption of the State-wide prohibition amendment, which is to be voted on next July. The total revenue to the State

from this source for the last two years was \$1,133,332.11. If the amendment should be adopted approximately this amount of revenue, which has been available in the past, will be cut off during the next two years, and it will require an ad valorem tax on the assessed values of the State equal to 2 1-2 cents on the one hundred dollars, to supply this sum.

All of these facts deserve the careful consideration of the Legislature in the fixing of the tax rates and in the making of appropriations. The Executive Department will not fail to take them into consideration and the co-operation of the Legislature is earnestly requested.

Respectfully submitted,
O. B. COLQUITT,
Governor of Texas.

"EXHIBIT A."

TAXABLE VALUES AND REVENUES.

The following statement of taxable values and revenues, covers the period beginning with September 1, 1897, down to and including August 31, 1910.

Assessed values as shown by the tax rolls:

1897	\$ 854,894,775.00
1898	854,619,365.00
1899	884,026,531.00
1900	914,007,634.00
1901	982,187,865.00
1902	1,017,571,732.00
1903	1,064,948,037.00
1904	1,082,779,775.00
1905	1,139,022,730.00
1906	1,221,259,869.00
1907	1,635,297,115.00
1908	2,174,122,480.00
1909	2,309,803,626.00
1910	2,388,500,124.00

The following shows the cash balance in the Treasury at the beginning of each fiscal year; the amount and sources of revenue each year; and the amount of warrants drawn against the general revenue during each year, as appears from the records and reports of the Comptroller for the years named:

1898.

Balance, September 1st,	
1897	\$ 49,787.00
Receipts during year	2,914,958.00
Warrants paid during year	2,184,438.00

SOURCES OF REVENUE.

From tax rolls, delinquent and insolvent	\$1,711,457.00
From State department	296,001.00
From other sources	201,223.00
From beer, occupation	71,663.00
From whisky, occupation	410,250.00
From merchants, occupation	113,949.00
From other occupations	110,415.00

Total\$2,914,958.00

1899.

Balance September 1st, 1898	\$ 811,279.00
Receipts during year	2,657,139.00
Warrants paid during year	2,376,062.00

SOURCES OF REVENUE.

From tax rolls, delinquent and insolvent	\$1,592,880.00
From State departments	322,434.00
From other sources	54,077.00
From beer, occupation	68,400.00
From whisky, occupation	426,450.00
From merchants, occupations	108,263.00
From other occupations	84,635.00

Total\$2,657,139.00

1900.

Balance September 1st, 1899	\$1,092,807.00
Receipts during year	2,800,562.00
Warrants paid during year	2,734,104.00

SOURCES OF REVENUE.

From tax rolls, delinquent and insolvent	\$1,680,739.00
From State departments	377,670.00
From other sources	52,916.00
From beer, occupation	65,550.00
From whisky occupation	441,300.00
From merchants occupations	107,789.00
From other occupations	74,598.00

Total\$2,800,562.00

1901.

Balance September 1st, 1900	\$1,159,587.00
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Receipts during year..\$2,865,238.00
Warrants paid during
year 2,854,601.00

SOURCES OF REVENUE.

From tax rolls, delin-
quent and insolvent.\$1,434,115.00
From State departments 543,308.00
From other sources... 131,027.00
From beer, occupation. 66,150.00
From whisky, occupa-
tion 493,350.00
From merchants occu-
pations 122,245.00
From other occupations 75,043.00

Total\$2,865,238.00

1902.

Balance September 1st,
1901\$1,173,370.00
Receipts during year... 3,148,468.00
Warrants paid during
year 3,191,416.00

SOURCES OF REVENUE.

From tax rolls, delin-
quent and insolvent.\$1,611,365.00
From State departments 681,768.00
From other sources... 61,529.00
From beer, occupation. 67,575.00
From whisky, occupa-
tion 518,025.00
From merchants occu-
pations 131,748.00
From other occupations 76,458.00

Total\$3,148,468.00

1903.

Balance September 1st,
1902\$1,134,455.00
Receipts during year... 2,803,578.00
Warrants paid during
year 3,420,353.00

SOURCES OF REVENUE.

From tax rolls, delin-
quent and insolvent.\$1,457,020.00
From State departments 524,735.00
From other sources... 56,759.00
From beer, occupation. 64,725.00
From whisky, occupa-
tion 471,600.00
From merchants occu-
pations 137,970.00
From other occupations 90,769.00

Total\$2,803,578.00

1904.

Balance Sept. 1st,
1903\$ 529,510.00
Receipts during year. 3,099,756.00
Warrants paid during
year 3,810,060.00

SOURCES OF REVENUE.

From tax rolls, delin-
quent and insolvent\$1,747,975.00
From State depart-
ments 590,981.00
From other sources... 57,376.00
From beer, occupation 66,038.00
From whisky, occupa-
tion 428,550.00
Merchants, occupations 130,086.00
Other occupations 78,750.00

Total\$3,099,758.00

1905.

Balance August 31st,
1904\$ 62,864.65
Receipts during year. 3,135,486.69
Warrants paid during
year 3,121,239.56

SOURCES OF REVENUE.

From tax rolls, delin-
quent and insolvent\$2,003,058.48
From State depart-
ments 290,153.62
From other sources.. 185,727.02
From beer, occupation 58,952.25
From whisky, occupa-
tion 382,755.00
From other occupa-
tions 214,840.23

Total\$3,135,486.60

1906.

Balance August 31st,
1905\$ 77,111.69
Receipts during year. 4,203,837.45
Warrants paid during
year 4,184,982.52

SOURCES OF REVENUE.

From tax rolls, delin-
quent and insolvent\$2,153,409.61
From State depart-
ments 308,894.75
From other sources.. 821,802.86
From beer, occupation 63,731.88
From whisky, occupa-
tion 408,476.25
From other occupa-
tions 447,522.10

Total\$4,203,837.45

1907.	
Balance August 31st, 1906	\$ 95,923.87
Receipts during year ..	4,161,587.65
Warrants paid during year	3,564,898.71

SOURCES OF REVENUE.

From tax rolls, delinquent and insolvent ..	\$2,398,017.93
From State departments	367,971.45
From other sources ..	623,632.85
From beer, occupation ..	71,365.88
From whisky, occupation	445,526.25
From other occupations	255,073.29

Total\$4,161,587.65

1908.

Balance August 31st, 1907	\$ 692,612.87
Receipts during year ..	4,004,953.56
Warrants paid during year	3,806,851.19

SOURCES OF REVENUE.

From tax rolls, delinquent and insolvent ..	\$1,925,063.35
From State departments	507,862.84
From other sources ..	751,170.23
From beer, occupation ..	92,571.45
From whisky, occupation	602,115.94
From other occupations	126,169.75

Total\$4,004,953.56

1909.

Balance August 31st, 1908	\$ 888,985.61
Receipts during year ..	5,013,279.25
Warrants paid during year	4,159,011.53

SOURCES OF REVENUE.

From tax rolls, delinquent and insolvent ..	\$1,217,172.55
From State departments	589,006.59
From other sources ..	2,533,312.78
From beer, occupation ..	75,014.99
From whisky, occupation	515,595.94
From other occupations	83,176.40

Total\$5,013,279.25

1910.	
Balance August 31st, 1901	\$1,743,208.18
Receipts during year ..	4,046,040.44
Warrants paid during year	4,017,776.96

SOURCES OF REVENUE.

From Tax rolls, delinquent and insolvent ..	\$1,566,837.78
From State departments ..	768,190.44
From other sources ..	1,046,258.72
From beer and whisky occupations	542,811.18
From other occupations	121,942.32

Total\$4,046,040.44

GENERAL REVENUE RECEIPTS
AND DISBURSEMENTS FROM
SEPTEMBER 1st, 1910, TO
DECEMBER 31st, 1910.

Balance on hand August 31st, 1910	\$1,424,641.61
Receipts from tax rolls, etc.	281,351.40
Receipts from asylum investments	12,918.25
Special collections by Treasurer	69,572.71
Special collections by Comptroller	1,601.01
Office fees, State Health Department	5,598.00
Office fees, Insurance Department	5,501.13
Office fees, General Land Office	8,136.87
Office fees and collections, State Department	46,955.91
Interest from deposits	18,568.81
Inheritance tax	6,345.92
Sales and rents, public buildings and grounds ..	1,079.00
Refund to appropriation ..	3,175.16
Miscellaneous deposits ..	8,949.28

Total\$1,894,395.06

CREDITS.

By transfer to pure food account A. & M. College	\$ 105,357.40
By payments of warrants	1,632,779.50
Balance on hand December 31st, 1910	156,258.16

Total\$1,894,395.06

INVITATION TO ATTEND DEBATE.

The faculty and students of the University of Texas respectfully invite the members of the Senate to attend the first annual contest for the Evans prize in the House of Representatives, February 28, 1911, at 8 p. m. The question for discussion is "The Penitentiary System: What It Is and What It Should Be."

H. B. WHALING,
President of Oratorical Association.

The above resolution was read and Senator Meachum moved that same be accepted and that the Senate attend in a body as an informal joint session.

The motion was adopted.

SIMPLE RESOLUTION.

(Death of General Cabell.)

Senator McNealus offered the following resolution:

Whereas, An all-wise Providence has removed from this life Gen. W. L. Cabell, an honored American citizen, resident of Dallas, Texas; therefore, be it

Resolved, by the Senate of Texas: That we have heard with deep regret of the death of Gen. Cabell. He was brave, honest, high minded; an heroic relict of the armies of the Confederate States; a soldier of merit in the Old Army in the days before the war between the States; a loyal citizen of his State and country at all times, who typified in his life the best manhood of any generation.

Resolved, further: That this resolution be printed in the Senate Journal, and a copy, properly signed by the President and Secretary of the Senate, be sent to the family of the deceased, to whom we extend sincere sympathy and condolence.

Adams, Astin, Bryan, Cofer, Collins, Greer, Hudspeth, Hume, Johnson, Kaufman, Lattimore, McNealus, Mayfield, Peeler, Perkins, Ratliff, Real, Terrell of McLennan, Terrell of Wise, Townsend, Vaughan, Watson, Weinert, Willacy, Ward, Sturgeon, Warren, Carter, Meachum, Murray, Paulus.

The resolution was read and unanimously adopted by a rising vote.

BILLS AND RESOLUTIONS.

By Senator Greer:

Senate bill No. 295, A bill to be entitled "An Act creating the Pleasant Grove Independent School District in Wood county, Texas, and defining its boundaries, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Greer:

Senate bill No. 296, A bill to be entitled "An Act to amend Section 9 of Chapter 144 of the Acts of the Regular Session of the Thirtieth Legislature, the same being 'An Act to preserve and protect the wild game, wild birds and wild fawn of the State, to provide adequate penalties for the violation of this Act, and the unlawful taking, slaughter, sale, purchase or shipment thereof.'"

Read first time and referred to Judiciary Committee No. 2.

By Senators Greer and Ratliff:

Senate bill No. 297, A bill to be entitled "An Act to regulate the adoption of text-books for the public schools of Texas, creating a State text-book board and defining its duties and times of meetings; providing conditions under which books and manuscripts of books may be offered in competition for adoption for use in the public schools of Texas; providing the manner in which books shall be examined, graded and their adoption determined upon; providing for the filing of an affidavit with the Secretary of State relative to the price having been made by such agents of persons, corporation or association of persons of book or books or series of books to text-book board representing other States of this Nation; providing for the consultation with the State expert printer and others, and the prevention of extortionate charges for books; providing for written report from all examiners who examine books and publication of these reports; prohibiting an attorney at law from appearing before said text-book board; prohibiting any other representative of any person, corporation or association of persons from appearing before said board without the invitation from a majority of the committee, naming the list of subjects upon which the text-books are to be adopted and putting limitation upon the charac-

ter of these, limiting the character of language requirements for graduation from the public schools; providing for supplementary books and providing for punishment for failure to use the adopted books and supplementary books; providing conditions under which cities may retain the use of books already in use; providing for the manner of holding meetings of the text-book board and advertising the said meetings; providing for the condition to which bidders shall conform in seeking to have books adopted; providing for the qualifications and disqualifications of members of the text-book board and penalties for the violation; providing for the manner of offering bids and the opening of same and for the necessary deposits of contracts and bonds of bidders; providing for the exchange of books in use the year preceding the adoption; providing for preparing of the contract and bond of the successful bidders by the Attorney General, and for suit upon bond when the contract is violated; providing for the calling together of the State text-book board and the paying of their expenses; outlining the general method of procedure, leaving the details to the action of the board; forbidding the sale of books in excess of contract price and forbidding the purchase of books in the State of Texas at a price higher than offered in any other State; providing that no book shall be bought from a trust; providing that officers of book concerns shall purge themselves and their concerns of connection with any trust or interest in any other publishing concern; providing that the State of Texas may cancel the contract with any person or firm, authorizing the Attorney General to bring suit in the proper court of Travis county and providing for liquidated damages; providing for the issuance of the proclamation by the Governor, announcing the adopted text-books and preserving sample copies of the books adopted; providing for the State, county and other depositories and agencies for distributing books under rules and regulations prescribed by the State Board of Education; providing for the purchase of books by other dealers; providing for bringing of suit and punishment for failure to furnish books as required; providing for circulars to be issued by the Superintendent of Public Instruction,

giving list of books adopted, price and other information requiring the introduction and the use of text-books adopted for a period of ten scholastic years, beginning September 1, 1913; and providing for the punishment of trustees and teachers for refusing to use adopted text-books, appropriating the sum of two thousand (\$2,000) dollars or so much thereof as may be necessary to carry out the purposes of this Act, and establishing a rate of pay for each teacher so appointed, and providing the necessary traveling expenses and not exceeding one (\$1) dollar per day for board of members appointed who are to be duly elected and qualified county superintendents of public schools; providing that any firm or corporation entering into a contract with the State under this Act shall designate the Secretary of State of Texas as his agent upon whom citation, writs and other process may be served in event of suit, repealing all laws and parts of laws in conflict herewith, and creating an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Ratliff:

Senate bill No. 298, A bill to be entitled "An Act to amend Sections 163 and 164 of Chapter 124 of the Acts of the Twenty-ninth Legislature, entitled 'An Act to provide for a more efficient system of public free schools in the State of Texas,' and approved April 15, 1905."

Read first time and referred to Committee on Educational Affairs.

By Senator Ward:

Senate bill No. 299, A bill to be entitled "An Act to validate the incorporation of Ferris Independent School District, in Ellis county, as incorporated by Chapter 54 of the special Acts of the Thirty-first Legislature, approved March 16, 1909, and the Acts of the board of trustees and other officers of said districts since such incorporation, and to declare said district possessed of all the powers sought to be conferred on it by such Act of incorporation and other laws, and to declare an emergency."

Read first time and referred to Committee on Educational affairs.

By Senator Greer:

Senate bill No. 300, A bill to be entitled "An Act to amend Sections 4,

5, 6, 7, 8, 9, 10 and 11 of Chapter 144 of the general laws of the Thirtieth Legislature, entitled 'An Act to preserve and protect the wild game, wild birds and wild fowls of the State, to provide adequate penalties for the violation of this Act, and the unlawful taking, slaughter, sale, purchase or shipment thereof,' and to repeal all laws and parts of laws in conflict herewith, so as to repeal the provisions in said sections imposing a jail sentence for violations of this Act."

Read first time and referred to Judiciary Committee No. 2.

By Senator Cofer:

Senate bill No. 301, A bill to be entitled "An Act to amend Article 2465, Title 45, Chapter 3, of the Revised Civil Statutes of the State of Texas of 1895, fixing fees for services of constables in district, county and justices courts."

Read first time and referred to Judiciary Committee No. 1.

(Bills read and referred by unanimous consent after conclusion of morning call, Senator Peeler in the chair.)

By Senator Johnson (by request):

Senate bill No. 302, A bill to be entitled "An Act to amend Article 4433 of the Revised Statutes of the State of Texas, requiring railroad companies to maintain crossings in fenced enclosures so as to make a separate offense each day's failure to maintain such crossings, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Bryan:

Senate bill No. 303, A bill to be entitled "An Act to amend Chapter 30 of the Acts of the Twenty-ninth Legislature, being 'An Act to provide that all volumes constituting a portion of the records of any county organized prior to January 1, 1882, wherein are recorded deeds, mortgages or trust deeds or other muniments of title to real estate situated in such county, which volumes and records are now and since the first day of January, 1882, have been constantly among the archives of such county as records thereof, shall be and are declared to be in all respects lawful and valid records of such counties, respectively, for all purposes whatsoever relating

to titles to real estate, and to provide that certified copies of instruments recorded in said volumes made in accordance with law shall have the force and effect that certified copies of original records have in organized counties, and that same may be used for all lawful purposes for certified copies or original records in ordinary cases in organized counties, so as to apply the provisions of said Chapter 30 to all counties in Texas which were unorganized prior to January 1, 1890, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Astin:

Senate bill No. 304, A bill to be entitled "An Act to quiet titles to lands located and surveyed by virtue of land certificates granted under the Act of the Legislature of the State of Texas entitled 'An Act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or the Confederate State, a land certificate for twelve hundred and eighty acres of land,' approved April 9, 1881, and to validate such location and surveys."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Warren:

Senate bill No. 305, A bill to be entitled "An Act to amend Section 14 of Chapter 5 of the special laws of the State of Texas, passed by the Regular Session of the Twenty-ninth Legislature, to provide that each county commissioner shall be ex officio road commissioner for his district, prescribing his duties and compensation, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator McNealus:

Senate bill No. 306, A bill to be entitled "An Act to amend Chapter 52 of the Acts of the Thirtieth Legislature, entitled 'An Act to create the county court of Dallas county at law, to define the jurisdiction thereof and to conform to such change the jurisdiction of the county court of Dallas county,' and to add Section 13a thereto, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Terrell of McLennan and Hume:

Senate bill No. 307, A bill to be entitled "An Act to amend Article 2464, Title 45, Chapter 3 of the Revised Civil Statutes of the State of Texas of 1895, fixing fees of constables in courts of justices of the peace, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

SIMPLE RESOLUTION.

By Senator Meachum:

Whereas, The city of Conroe, in Montgomery county, Texas, has been the victim of a most destructive fire, which has consumed, according to our information, almost the entire business portion of that prosperous little city; and,

Whereas, We desire to express our sympathy for said city and her patriotic citizenship;

Therefore, Be it Resolved by the Senate of Texas, that we deeply sympathize with the city of Conroe and her people in the great loss which has just fallen upon them; and,

Resolved, further, that a copy of this resolution, attested by the Secretary of the Senate, be forwarded forthwith to the mayor of that city, in order that the people of the stricken city may be advised of the sympathy expressed upon the part of the Senate in the great misfortune which has come upon them.

The above resolution was read and adopted.

FREE CONFERENCE COMMITTEE.

By Senators Willacy and Meachum:

I move that the Senate grant the request of the House for a Free Conference Committee on House bill No. 2 and that the following be elected on the part of the Senate:

Senators Johnson, Lattimore, Hudspeth, Real and Watson.

The above was read and adopted.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, The Constitution makes

it mandatory upon the Legislature to re-district the State, for Congressional, Senatorial and Representative districts, at its session after the decennial census of the United States is published; and,

Whereas, The National House of Congress has fixed a basis for Congressional apportionment; and,

Whereas, This measure is now pending in the United States Senate; and,

Whereas, The near approach of the close of this session of the Texas Legislature makes it absolutely necessary that we have the basis before an apportionment bill can be passed; and,

Whereas, The immense increase in the population of the State of Texas requires a redistricting for Congressional purposes, in order that the entire State may have its representation properly and equitably dispersed throughout the State in the National Congress;

Therefore, Be it Resolved, That the Senate request our Senators, Hon. Charles A. Culberson and Hon. Joseph W. Bailey, to use their best efforts to secure the passage of this measure as speedily as possible, and that the Senators from Texas be further requested to keep the State Senate apprised of the status of this apportionment measure from time to time, and that a copy of this resolution be wired by the Lieutenant Governor to the Hon. Chas. A. Culberson and Hon. Joseph W. Bailey, at Washington, D. C., the expense of this message to be paid out of the contingent fund of the State Senate. resolution was read and adopted.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Feb. 22, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution, inviting the Senate to meet in joint session tonight at 8 o'clock to hear an address by Col. Henry Exall of Dallas.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

The Chair laid the above resolu-

tion before the Senate and the same was read and adopted.

SIMPLE RESOLUTION.

By Senator Lattimore:

Be it Resolved, That the sympathy of the Senate be extended to Alex McNabb, one of the efficient pages of the Senate, upon the death of his father.

Adams, Astin, Bryan, Carter, Cofer, Collins, Greer, Hudspeth, Hume, Johnson, Kauffman, Lattimore, Mayfield, McNealus, Meachum, Murray, Paulus, Peeler, Perkins, Ratliff, Real, Sturgeon, Terrell of McLennan, Terrell of Wise, Townsend, Vaughan, Ward, Warren, Watson, Weinert, Willacy.

The above having been signed by the entire Senate was declared unanimously adopted.

Morning call concluded.

INVITATION TO ATTEND ENTERTAINMENT.

The Chair laid before the Senate the following:

Austin, Texas, Feb. 23, 1911.

To Honorable A. B. Davidson, Lieutenant Governor.

To the Senate: A cordial invitation is extended to the members of the Senate and their families, the officers and employes to attend an entertainment at the Deaf and Dumb Institution to be given by the pupils Saturday night, February 25th. The program has been prepared with much care and the pupils will be disappointed if the members of the Legislature do not attend. I assure you the entertainment will be interesting and well worth your time.

In addition to special features, such as songs in pantomime, tableaux, and strikingly realistic scenes acted out in silence, demonstration of the methods employed in teaching the deaf to speak will be given. Also a most interesting demonstration of the skill of Ruby Rice and Pearl Thomas, the students who are deaf, dumb and blind, in grasping the instruction of their teacher, the acute development of their sense of touch and memories, will be shown. These girls are fully as wonderful as Helen Keller.

The street car company has agreed

to have sufficient cars at 6th street at 7:30 o'clock Saturday night to accommodate the entire Legislature.

Respectfully,

SID J. THOMAS,

Superintendent Deaf and Dumb Institute.

The above invitation was read and on motion of Senator Kauffman, was accepted.

SENATE BILL NO. 139.

The Chair laid before the Senate as the pending business Senate bill No. 139, and the question was raised that, as by the rules, this was House bill day and that House bills would come before this pending business.

The Chair held, however, that the pending business would have to be disposed of first.

Action then recurred on Senate bill No. 139, the question being on the point of order to the amendment to the bill. See proceedings (night session) of Monday for point of order and amendment.

The Chair sustained the point of order as follows:

Austin, Texas, Feb. 23, 1911.

Senate bill No. 139, A bill by Senator Sturgeon, the caption of which is in the following language:

"An Act providing for the levy and collection of an occupation tax from persons, firms, corporations or associations of persons running or conducting pool or billiard tables; also authorizing each county and incorporated city in which any such pool or billiard table is run or conducted to levy an occupation tax, and declaring an emergency."

Was under consideration when the Senator from Dallas (McNealus) sent up the following amendment to the bill:

"Section 1. There shall be levied upon and collected from every person, firm, corporation or association of persons engaged in running or conducting any pool table or tables, or any table of like character, by whatever name known, in a public place or for profit, an annual occupation tax of five hundred dollars for each pool table so run or conducted, which shall be paid in advance; and any such pool table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or any other things of value

are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit, and each county and also each incorporated city or town in which such pool table or tables are so run or conducted may levy and collect from every person, firm, corporation or association of persons conducting the same, five hundred dollars for each table."

This was offered as a substitute for Section 1 of the bill, the caption of which is above quoted, containing a true description of the bill.

The Senator from Harris made the point of order that this amendment having originated in the Senate of Texas, on a Senate bill, was one for the purpose of raising revenue, and therefore obnoxious to the following clause of the Constitution of the State of Texas:

"Section 33, Article 3. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills."

It therefore became important for the Chair, in passing upon this point of order, to examine the authorities of the United States Supreme Court, as well as the parliamentary usages in Congress. Without having had an opportunity to thoroughly examine all the cases, will state, however, the following in sustaining the ruling of the Chair that the point of order is well taken:

Pollock vs. Farmers' Loan and Trust Company, 157 U. S.

Storey on Constitution, par. 880, and notes cited.

Bank vs. Neebecker, 3d Appeals, D. C., 190, 198, 201, 167, U. S., 196.

Cooley on Taxation, 3d edition, 95, 96 and notes.

License Tax Cases, 5 Wall, 462.

Benge vs. U. S., 182 U. S., 292.

Downs vs. Bidwell, 194 U. S., 389, 496.

The chief characteristic of an Act which levies a tax for any purpose whatever is that it is intended to raise revenue by taxation, and no other purpose, pretended or real, unless apparent on the face of the bill, can deprive it of the nature of a bill for raising revenue.

In the case of the United States on the relation of Oran C. Michels vs. Thomas L. James, postmaster of the city of New York, volume 13, Blatchford's Circuit Court Reports, page

207, may be found the distinction between a bill for raising revenue and a bill taxing certain persons, and in connection with the taxing right, returning to them an equivalent for the taxes paid. This case, if thoroughly sustained by the Supreme Court of the United States, and of this State and other States (see cases):

H. A. Thierman Co. vs. Commonwealth, 97 S. W., 366, et seq.

The United States on the relation of Oran C. Michels vs. Thomas L. James, postmaster of the city of New York, 13 Blatchford's, 207 et seq.

(This case Justice Stayton approves in 68 Tex., 545.)

Robinson vs. Norfolk, 108 Va., 20.

Succession of Givonorich, 50 La. Annual Reports, 626.

Succession of Sala, 50 La., Annual Reports, 1018.

The rule being that where the bill raises revenue for revenue purposes, it must originate in the House, and where it taxes and gives in return a specific advantage to the party taxed, it need not originate in the House.

The holding of the Chair will be in accordance with the rule laid down in the above cases, and the point of order is sustained.

A. B. DAVIDSON,
President of the Senate.

Senator Sturgeon appealed from the ruling of the Chair by the following motion in writing:

We appeal from the decision of the Chair, because:

1. In our opinion it is the exclusive prerogative of the Senate and not the Chair to pass upon the constitutional question presented.

Hines' Precedents, Vol. II, Secs. 1318, 1319, 1255, 1491.

2. The pending bill is intended to regulate billiard and pool halls and the revenue to be raised is incidental. In our opinion such a measure is not a bill raising revenue within Article 3, Section 33 of the Constitution, and such bill may originate in the Senate.

Twin City Bank vs. Nebeker, 167 U. S., 196.

Millard vs. Roberts, 202 U. S., 429.

Story on Constitution, 1, Sec. 880.

Gieb vs. State, 21 S. W. R., 190.

Brown vs. City of Galveston, 97 S. W., 1.

Ex parte Gregory, 20 Crim. App., 210.

Ex parte Slaren, 3 App., 662.

United States vs. Janus, 13 Blackford, 209.

Sturgeon, Lattimore, Terrell of Wise, Cofer, Warren, Townsend, McNealus, Carter.

Following is Senate bill No. 139, printed here by order of the Senate. The amendment by Senator McNealus follows this bill.

Senate bill No. 139, An Act providing for the levy and collection of an occupation tax from persons, firms, corporations and associations of persons running or conducting pool or billiard tables; also authorizing each county or incorporated city in which any such pool or billiard table is run or conducted to levy an occupation tax, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be levied on and collected from every person, firm, corporation or association of persons engaged in running or conducting any pool or billiard table or tables, or any table of like character by whatever name known, in a public place, or for profit, an annual occupation tax of one hundred dollars for each table so run or conducted, which shall be paid in advance; and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit; and each county and also each incorporated city or town in which such pool or billiard table or tables are so run or conducted may levy and collect from every person, firm, corporation or association of persons conducting the same, fifty dollars for each table.

Sec. 2. This Act shall not repeal any of the provisions of or in any manner affect Chapter 17 of the General Laws of the First Called Session of the Thirty-first Legislature, regulating the sale of intoxicating liquors, nor Chapter 154 of the General Laws of the Twenty-fifth Legislature, prohibiting persons, firms or corporations conducting pool or billiard tables from allowing minors in or about the premises.

Sec. 3. The fact that there is no law in this State levying an adequate occupation tax upon persons, firms,

corporations and associations of persons running or conducting pool or billiard tables, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Amendment by Senator McNealus:

Amend the bill by striking out all of Section 1 and substituting therefor the following:

Section 1. There shall be levied on and collected from every person, firm, corporation or association of persons engaged in running or conducting any pool table or tables, or any table of like character by whatever name known, in a public place, and for profit, an annual occupation tax of five hundred dollars for each pool table so run or conducted, which shall be paid in advance; and any such pool table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit; and each county and also each incorporated city or town in which such pool table or tables are so run or conducted may levy and collect from every person, firm, corporation or association of persons conducting the same, five hundred dollars for each table.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 430, A bill to be entitled "An Act to amend Chapter 58, being the special road law for Bastrop county as passed by the Thirty-first Legislature, Special Laws, being Sections 1 to 16, inclusive, by adding thereto Sections 12a, 12b, 12c, 12d, 12e, 12f, 12g and 12h, so as to authorize any political subdivision of said county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation

of the real and personal property of said political subdivision, and to levy and collect such taxes to pay the interest upon such bonds and provide a sinking fund for the redemption of the same, for the purpose of constructing, maintaining and operating macadamized, graveled, paved or such other kinds of public roads or bridges as may seem best to the commissioners' court of said county, and declaring an emergency."

Senate bill No. 94, A bill to be entitled "An Act to provide for the erection of a monument over the remains of Mrs. Elizabeth Crockett, the wife of David Crockett, in the cemetery at Acton, Hood county, Texas; to make an appropriation therefor, and to declare an emergency."

Senate bill No. 180, A bill to be entitled "An Act to amend and extend the special road law of Wise county, Texas, as enacted by the Twenty-seventh Legislature of Texas, so that the same shall hereafter read as herein provided, and declaring an emergency."

Senate bill No. 114, A bill to be entitled "An Act to allow a suit for rent to be joined with an action of forcible entry and detainer wherever the amount is within the jurisdiction of the justice court, and declaring an emergency."

Senate bill No. 203, A bill to be entitled "An Act to amend Section 18 of Chapter 104, being an Act of the Twenty-ninth Legislature of the State of Texas, to define and provide for organizing and disciplining the militia, to prescribe the duties of the Governor, the Adjutant General, and all officers and enlisted men thereof; to define military offenses, to provide for the trial and punishment thereof, to provide for the pay, transportation and subsistence of the militia when called into actual service, and to repeal all laws in conflict therewith, by amending said Section 18, so that the same shall provide for the appointment by the Governor of a staff, consisting of the Adjutant General and twelve aides-de-camp and that said aides-de-camp shall not be ineligible from holding any office of emolument, trust or honor, and shall not be ineligible from serving as the chairman of any committee of any political party."

Senate bill No. 163, A bill to be entitled "An Act to create and establish a criminal court in and for

Harris county, Texas, and create a separate criminal judicial district to be composed of Harris county, Texas, to provide for the election, qualification, jurisdiction, duties, powers, and compensation of a judge and clerk of said criminal district court, and to provide for the election, qualification, powers and compensation of a district attorney for said criminal district of Harris county, to provide for the appointment, qualification, powers, duties and compensation of assistant district attorneys for said criminal district, to provide for the appointment, powers, duties and compensation of deputy criminal district clerk, abolishing the criminal district court of Galveston and Harris counties in so far as the same embraces the county of Galveston, and giving and restoring to the districts and county courts of Galveston county jurisdiction of felony and misdemeanor cases, and providing for the transfer of cases from the criminal district court of Galveston county to the district and county courts of said county, and to fix the terms of the criminal and district court of Harris county, and repealing all laws in conflict with this Act, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

SENATE BILL NO. 163.

Senator Hume called up Senate bill No. 163, with House amendments, as follows:

(1)

Strike out all after the enacting clause and substitute in lieu thereof the following:

Section 1. That the territorial limits of the criminal judicial district composed of the counties of Galveston and Harris is hereby changed so as to hereafter include Harris county alone, and there is hereby created and established in the city of Houston, in the county of Harris, a criminal district court, which shall have original and exclusive jurisdiction over all criminal cases, both felony and misdemeanor, in the county of Harris, of which district and county courts under the Constitution and laws of this State, have original and exclusive jurisdiction, and shall be

known as "The Criminal District Court of Harris County."

Sec. 2. The said court shall have exclusive appellate jurisdiction over all criminal cases tried and determined by justices of the peace, mayors and recorders in said county of Harris, under the same rules and regulations as are provided by law for appeals from justices of the peace, mayors and recorders to the county courts in criminal cases.

Sec. 3. The judge of said court hereinafter provided for shall have power to grant writs of habeas corpus, mandamus and all writs necessary to enforce the jurisdiction of his court, under the same rules and regulations which govern district judges.

Sec. 4. Said court shall have jurisdiction over all bail bonds and recognizance taken in proceedings had before said court, or that may be returned to said court from other courts, and may enter forfeitures thereof and final judgments, and enforce the collection of the same by proper process in the same manner as is provided by law in district courts.

Sec. 5. Said court shall have jurisdiction over all criminal cases heretofore transferred from other courts to the criminal district court of Harris county as heretofore established, and over such criminal cases as may hereafter be transferred to the court created by this Act, as fully in all respects as if said cases had originated in said court.

Sec. 6. The said criminal district court of Harris county shall have a seal similar to the seal of the district court, with the words "Criminal District Court of Harris County" engraved thereon, an impression of which seal shall be attached to all writs and other process except subpoenas issuing from said court, and shall be used in the authentication of all official acts of the clerk of said court.

Sec. 7. The practice in said court shall be conducted according to the laws governing the practice in the district court, and the rules of pleading and evidence in the district court shall govern in so far as the same may be applicable.

Sec. 8. All laws regulating the selection, summoning and impaneling of grand and petit jurors in the district court shall govern and apply in the criminal district court in so

far as the same may be applicable; provided that the clerk of the district court of Harris county shall assist in drawing the names of jurors for said criminal district court as is now provided by law.

Sec. 9. All the rules of criminal procedure governing the district and county courts shall apply to and govern said criminal district court.

Sec. 10. Said criminal district court of Harris county shall try all misdemeanor cases coming before it with six jurors instead of twelve jurors, unless a jury be waived by the defendant.

Sec. 11. Said court shall hold four terms each year for the trial of causes and the disposition of business coming before it, one term beginning the first Monday in March, one term beginning the first Monday in June, one term beginning on the first Monday in September and one term beginning on the first Monday in December of each year. Each term shall continue until the business is disposed of.

Sec. 12. Whenever the criminal district court of Harris county shall be engaged in the trial of any cause when the time for the expiration of the term of said court as fixed by law shall arrive, the judge presiding shall have the power and may, if he deems it expedient, continue the term of said court until the conclusion of such pending trial; in such case the extension of such term shall be shown on the minutes of the court before they are signed.

Sec. 13. The sheriff of Harris county and his deputies shall attend upon said court and execute all the process issuing therefrom, and perform all duties required by said court or the judge thereof, and shall perform all such services for said court as sheriffs and constables are authorized or required to perform in and for other district courts of this State, and he shall receive the same fees for his services as are provided by law for the same services in the district court.

Sec. 14. In all matters over which said criminal district court has jurisdiction, it shall have the same power within said district as is conferred by law upon the district court, and shall be governed by the same rules in the exercise of such power.

Sec. 15. Appeals and writs of error may be prosecuted from said criminal district court to the court

of criminal appeals in the same manner and form as from district courts in like cases.

Sec. 16. The county of Harris is hereby created a separate criminal judicial district, and at the next general election after this Act shall take effect there shall be elected in and for said district a criminal district judge, a criminal district clerk and a district attorney, each of whom shall have and exercise respectively the same duties, powers and authority within said county as are now possessed and exercised by the judge of the criminal district court, the clerk of the criminal district court and the district attorney for the criminal district composed of Galveston and Harris counties, and such other duties as are prescribed herein.

Sec. 17. From and after the taking effect of this Act the criminal district now composed of Galveston and Harris counties shall cease to exist so far as it embraces Galveston county, and all cases of felony that are then pending on the docket of the criminal district court of Galveston county shall be transferred to the district courts in said county of the Tenth and Fifty-sixth Judicial Districts—the felony cases on said docket of even number shall be transferred to the district court for the Tenth Judicial District and the felony cases on said docket of odd numbers shall be transferred to the district court for the Fifty-sixth Judicial District—and the said district court for the Tenth Judicial District and the said court for the Fifty-sixth Judicial District are hereby vested with concurrent exclusive jurisdiction, original and appellate, of all felony cases arising in the county of Galveston, and the judges of said courts are hereby vested with all powers, privileges and authority given by the Constitution and laws of this State in criminal matters, to the district courts of this State; and the judge of the district court for the Tenth Judicial District and the judge of the district court for the Fifty-sixth Judicial District shall, alternately impanel grand juries in said county of Galveston in the same manner provided therefor by the judges of the district courts of this State; and from and after the taking effect of this Act, all cases of misdemeanor pending on the docket of the criminal district court of Galveston county shall be transferred to the county court of

Galveston county, Texas; and said county court and the judge thereof is hereby vested with all the powers, privileges and authority in criminal cases as is conferred by the laws of this State on the county court; and the clerk of the district court of Galveston county is hereby vested with the powers, duties and authority in criminal matters in cases of felony as are now conferred by law on clerks of the district court in this State, and shall be the custodian of the records in felony cases transferred from said criminal district court and thereafter arising in the county of Galveston; and the clerk of the county court of Galveston county is hereby vested with the powers, duties and authority in criminal matters, in cases of misdemeanor as are now conferred by law on the clerks of the county courts of this State, and such clerk shall be the custodian of the papers and records of misdemeanor cases arising in such county after such transfer, and the clerk of the criminal district court of Galveston county shall make the transfer of cases herein provided and turn over the papers and records of his office to the clerk of the district court and the clerk of the county court of Galveston county as herein provided.

Sec. 17-a. The criminal district court of Harris county herein provided for shall, from and after the time when this Act takes effect, be taken and deemed to be, in respect to all matters of jurisdiction, records and procedure, a continuation of the criminal district court of Galveston and Harris counties as now organized for Harris county, it being the intention of this Act to reduce the territorial limits of the criminal judicial district of Galveston and Harris counties, to Harris county alone.

Sec. 18. The judge of the criminal district court of Harris county shall be elected by the qualified voters of said county for a term of four years, and shall hold his office until his successor is elected and qualified. He shall possess the same qualifications as are required of the judge of the district court and shall receive the same salary and compensation as is now or may hereafter be provided for district judges of the State, to be paid in the same manner as the salary and compensation of other district judges are paid. Said judge of said criminal district court shall have and exercise all the powers and duties which are now, or may hereafter be by law

vested in and exercised by district judges of this State in criminal cases. The judge of said court may exchange with other district judges, as provided by law, and the said judge shall have all the power within said criminal district which is by the Constitution and laws of this State vested in district judges of their respective judicial districts, except that the jurisdiction and authority of said criminal district judge shall be limited to criminal cases, and to the exercise of such powers and the granting of such writs and process as may be necessary or incidental to the exercise of such criminal jurisdiction.

Sec. 19. There shall be elected by the qualified electors of the criminal district of Harris county, Texas, an attorney for said court, who shall be styled "The Criminal District Attorney of Harris County," and who shall hold his office for a period of two years and until his successor is elected and qualified. The said criminal district attorney shall possess all of the qualifications and take oath and give the bond required by the Constitution and laws of the State of other district attorneys. It shall be the duty of said criminal district attorney, or of his assistants, as hereinafter provided, to be in attendance upon each term of said criminal district court of Harris county, and to represent the State in all matters pending before said court. And he shall have the exclusive control of all criminal cases wherever pending or in whatever court in Harris county that now has jurisdiction of criminal cases, as well as any or all courts that may be hereafter created and given jurisdiction of any criminal case, and he shall collect the fees therefor provided by law. He shall also have control of any and all cases heard on habeas corpus before any civil district court of Harris county as well as before the criminal district court of said county. The criminal district attorney of Harris county shall have and exercise in addition to the specific powers given and duties imposed upon him by this Act, and all such powers, duties and privileges within said criminal district of Harris county as are by law now conferred or which may be hereafter conferred upon district and county attorneys in the various counties and judicial districts of this State. It is further provided that he and his assistants shall have the exclusive right, and it shall be their sole duty to perform the

duties provided for in this Act, except in the case of the absence from the county of the criminal district attorney and his assistants, or their inability or refusal to act, and no other person shall have the power to perform the duties provided for in this Act, or to represent the State in any case in Harris county, except in case of the absence from Harris county, or the disability or the refusal to act of the criminal district attorney and his assistants.

Sec. 20. The said criminal district attorney of Harris county shall be commissioned by the Governor, and shall receive a salary of five hundred (\$500.00) dollars per annum, to be paid by the State, and in addition thereto shall receive the following fees in felony cases to be paid by the State: For each conviction in a case of felonious homicide, where the defendant does appeal, or dies, or escapes after appeal and before final judgment of the Court of Criminal Appeals, or when, upon appeal, the judgment is affirmed, the sum of forty (\$40.00) dollars; for all other convictions in felony cases, when the defendant does not appeal, or dies, or escapes after appeal, and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of thirty (\$30.00) dollars; provided, that in all convictions of felony in which the punishment is fixed by the verdict and judgment by confinement in the House of Correction and Reformatory his fee shall be fifteen (\$15.00) dollars. For representing the State in each case of habeas corpus where the defendant is charged with a felony, the sum of twenty (\$20.00) dollars. For representing the State in examining trials in felony cases where indictment is returned in each case, the sum of five (\$5.00) dollars. The criminal district attorney shall also receive such fees in misdemeanor cases to be paid by the defendant and by the county as is now provided by law for district and county attorneys, and he shall also receive such compensation for other services rendered by him as is now or may hereafter be authorized by law to be paid to other district and county attorneys in this State. In addition to the fees provided for in criminal cases and the other commissions or fees now allowed by law, to district and county attorneys, the criminal district attorney of Harris county shall be entitled and authorized to

enter into a contract with the commissioners' court of Harris county and the Comptroller of the State of Texas for the collection of delinquent county and State taxes, in accordance with the provisions of the laws that are now in force or that may hereafter be enacted. In the event that the commissioners' court or the State Comptroller shall enter into such contract with the criminal district attorney, the compensation provided in such contract shall be independent of his fees or compensation now provided by law, or which may be hereafter provided in criminal cases, and shall not be considered by him in making his report of fees collected.

Sec. 21. The criminal district attorney of Harris county shall retain out of the fees earned by him in the criminal district court of Harris county, the sum of twenty-five hundred dollars per annum, and in addition thereto, one-fourth of the gross excess of all fees in excess of twenty-five hundred dollars per annum, the three-fourths of the excess over and above twenty-five hundred dollars per annum remaining, to be paid by him into the treasury of Harris county. It is provided that in arriving at the amount collected by him he shall include the fees arising from all classes of criminal cases of which the criminal district court of Harris county has original and exclusive jurisdiction, whether felony, misdemeanor, habeas corpus hearings, on commission on fines and forfeitures collected in said court, it being the intention of this Act that the criminal district attorney of Harris county shall include all fees of every kind and class earned by him in said criminal district court in arriving at the amount collected by him. It being further provided that at the end of each year he shall make a full and complete report and accounting to the county judge of Harris county of the amount of such fees collected by him.

Sec. 22. The criminal district attorney of Harris county shall appoint two assistant criminal district attorneys, who shall each receive a salary of eighteen hundred dollars per annum, payable monthly. He shall also appoint a stenographer, who shall receive a salary of not more than twelve hundred dollars per annum, payable monthly. In addition to the two assistant criminal district attorneys and stenographer

above provided for, the criminal district attorney of Harris county shall have, and is hereby given, the authority to appoint as many additional assistants as may be necessary to properly administer the office and enforce the law, upon his making application, under oath, addressed to the county judge of Harris county, setting out the need therefor, the county judge of Harris county being vested with the authority and discretion to determine the fact as to whether or not such additional assistants are required. The compensation of any additional assistants shall not exceed twelve hundred dollars per annum each. The salaries of all assistants appointed by the said criminal district attorney shall be paid by Harris county.

The assistant criminal district attorneys above provided for, when so appointed, shall take the oath of office and be authorized to represent the State before said criminal district court, and in all other courts in Harris county in which the criminal district attorney of Harris county is authorized by this Act to represent the State, such authority to be exercised under the direction of the said criminal district attorney, and which assistants shall be subject to removal of the will of the said criminal district attorney. Each of said assistant criminal district attorneys shall be authorized to file information, examine witnesses before the grand jury and generally to perform any duty devolving upon the criminal district attorney of Harris county, and to exercise any power conferred by law upon the said criminal district attorney, when by him so authorized. The criminal district attorney of Harris county shall be paid the same fees for services rendered by his assistants as he would be entitled to receive if the services should have been rendered by himself.

Sec. 23. The clerk of the criminal district court of Harris county shall be elected by the qualified voters of Harris county, and shall hold his office for a term of two years, and until his successor is elected and qualified. Said clerk shall receive such fees as are now, or may hereafter be, prescribed by law to be paid to the clerk of the district courts of this State, and to be paid and collected in the same manner; and in addition thereto, he shall receive an annual salary of one thousand dollars, to be paid out of the treas-

ury of Harris county, monthly. Said clerk shall have the same power and authority, and shall perform the same duties with respect to said criminal district court of Harris county as are by law conferred upon the clerks of other district courts in criminal cases, and shall have authority to appoint one or more deputies as needed, whose salary shall be paid by said clerk. Said deputies shall take the oath of office prescribed by the Constitution of this State, and said deputies are authorized to perform such services as may be authorized by said criminal district clerk, and shall be removable at the will of said clerk.

Sec. 24. The criminal district judge, the criminal district attorney of the criminal judicial district composed of Galveston and Harris counties, and the clerk of the criminal district court of Harris county, who shall be in the office at the time when this Act goes into effect shall continue in office, respectively, as the judge, the district attorney and the clerk of the criminal district court of Harris county, until the next general election, or until their successors shall be elected and qualified.

Sec. 25. All laws and parts of laws in conflict with this Act shall be, and the same are hereby, repealed.

Sec. 26. The fact that the business of the criminal district court of Harris county as heretofore organized is so large as to render it impossible for said court to dispose thereof, and that such congestion of business in said court seriously obstructs the administration of the criminal laws in said county, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this Act shall take effect on the 6th day of March, A. D. 1911, and be in force from and after that date, and it is so enacted.

(2)

Amend the caption of Senate bill No. 163, by striking out all after the words "A bill," and insert the following:

To Be Entitled

An Act to change the territorial limits of the Criminal Judicial Dis-

trict composed of Galveston and Harris counties, so as to hereafter include Harris county alone, and to establish and create within the limits of Harris county, Texas, a separate Criminal District Court for Harris county alone; to provide for the jurisdiction of and procedure in said court; to fix the terms of the Criminal District Court of Harris county; to provide for the election, qualification, jurisdiction, duties, powers and compensation of a judge of said court; to provide for the election, qualification, powers and compensation of a clerk and district attorney for said court; to provide for the appointment of assistants to the district attorney and deputy clerks, and to provide for their powers, duties, and method of payment; abolishing the Criminal District Court of Galveston and Harris counties in so far as the same embraces the county of Galveston, and giving and restoring to the district and county courts of Galveston county jurisdiction of felony and misdemeanor cases, and providing for the transfer of cases from the Criminal District Court of Galveston county to the district and county courts of said county, repealing all laws and parts of laws in conflict with this Act, and declaring an emergency.

Amend Section 20 of the Committee Amendment to Senate bill No. 163 by striking out all after the words "In Addition" on line 3 of page 17, down to and including the word "collected" on line 16 of the printed bill.

Amend Senate bill No. 163 by inserting after the word "court" in line 31, printed bill, the following: "and all other courts."

Amend Committee Amendment to Senate bill No. 163, page 18, printed bill, by striking out all after the word "monthly" on line 1, down to and including the word "each" on line 11 of the printed bill, and insert in lieu thereof the following: In addition to the assistant criminal district attorneys and stenographer above provided for, the county judge of Harris county may, with the approval of the commissioners' court, appoint as many additional assistants as may be necessary to properly administer the affairs of the office of criminal district attorney and enforce the law, upon the criminal district attorney making application under oath, addressed to the county judge of Harris county, setting out

the need therefor, provided the county judge with the approval of the commissioners court may discontinue the services of any one or more of the assistant criminal district attorneys provided for in this Act, when in his judgment and the judgment of the commissioners' court they are not necessary.

(1)

Strike out Section 17, committee amendment, and substitute the following:

Section 17. From and after the taking effect of this Act the criminal district now composed of Galveston and Harris counties shall cease to exist so far as it embraces Galveston county, and all cases of felony that are then pending on the docket of the criminal district court of Galveston county shall be at once transferred to the district courts in said county of the Tenth and Fifty-sixth Judicial Districts—the felony cases on said docket of even numbers shall be transferred to the district court for the Tenth Judicial District and the felony cases on said docket of odd numbers shall be transferred to the district court for the Fifty-sixth Judicial District—and the said district court for the Tenth Judicial District and the said court for the Fifty-sixth Judicial District are hereby vested with concurrent exclusive jurisdiction, of all felony cases arising in the county of Galveston, and the judges of said courts are hereby vested with all powers, privileges and authority given by the Constitution and laws of this State in criminal matters, to the district courts of this State; and the judge of the district court for the Tenth Judicial District and the judge of the district court for the Fifty-sixth Judicial District shall, alternately, impanel grand juries in said county of Galveston in the same manner provided therefor by the judges of the district courts of this State; and from and after the taking effect of this Act, all cases of misdemeanor pending on the docket of the criminal district court of Galveston county shall be transferred to the county court of Galveston county, Texas, unless there be a county court at law of said county, in which event they shall be transferred to the latter court; and said county court and the judge thereof is hereby vested

with all the powers, privileges and authority in criminal cases that are conferred by the laws of this State on the county court; and the clerk of the district court of Galveston county is hereby vested with the powers, duties and authority in criminal matters in cases of felony that are now conferred by law on clerks of the district court in this State, and shall be the custodian of the records in felony cases transferred from said criminal district court and thereafter arising in the county of Galveston; and the clerk of the county court of Galveston county is hereby vested with the powers, duties and authority in criminal matters, in cases of misdemeanor as are now conferred by law on the clerks of the county courts of this State, and such clerk shall be the custodian of the papers and records of misdemeanor cases arising in such county after such transfer, and the clerk of the criminal district court of Galveston county shall at once make the transfer of cases herein provided and turn over the papers and records of his office to the clerk of the district court and the clerk of the county court of Galveston county as herein provided. The clerk of the district court shall file and docket the even numbered felony cases in the court of the Tenth Judicial District and the odd numbered felony cases in the court of the Fifty-sixth Judicial District, but any case pending in either of said courts may, in the discretion of the judge thereof, be transferred by one of said district courts to the other, and in case of the disqualification of the judge of either of said courts in any case, such case, on his suggestion of disqualification, shall stand transferred to the other of said courts and be docketed by the clerk accordingly. All writs and processes heretofore, or that may hereafter be issued, up to the time this Act shall take effect, which are made returnable to the criminal district court of Galveston and Harris counties, shall be returnable to the court to which the cause has been or may be transferred, in like manner as if originally made returnable to said court and all writs and processes are hereby validated.

The county commissioners' court shall have authority to pay for the services of a special deputy district

or county clerk, or both, if in their judgment such shall be required; such assistant to be appointed by the clerk of the court, in which his services are needed.

The county attorney and his assistant shall conduct all prosecutions in said district and county courts and county court at law and said county attorneys and the clerks of said court shall receive such fees as are now or may hereafter be provided by law.

(2)

Amend committee amendment to the caption to said bill by adding after word "county" line 10, page 20, the following:

"And giving the commissioners' court of Galveston county authority to employ special deputy county or district clerks or both and providing the county attorney and his assistants shall conduct in the district, county court, and county court at law the prosecutions, and for fees to be received by such county attorney for such reasons.

Senator Hume moved that the Senate concur in the above amendments.

Senator Townsend moved that the further consideration of the motion to concur in the amendments be postponed until 2 o'clock today, which motion prevailed.

SENATE BILL NO. 139.

Action then recurred on the pending business, the question being on the appeal from the ruling of the Chair on the point of order. (See former proceedings of today for the ruling and motion for appeal.)

Senator Meachum moved that the bill be printed in full in the Journal in connection with the ruling of the Chair, as well, also, as the amendment.

The motion was adopted.

(The bill in full and the amendment will follow the ruling of the Chair and the appeal from same.)

Senator Hudspeth was called to the chair and presided pending the appeal.

Question—Shall the Chair be sustained?

The Senate refused to sustain the Chair by the following vote:

Yeas—13.

Adams.

Astin.

Hudspeth.

Hume.

Kauffman.

Meachum.

Paulus.

Peeler.

Real.

Terrell, McLennan

Watson.

Weinert.

Willacy.

Nays—15.

Bryan.

Carter.

Cofer.

Collins.

Greer.

Johnson.

Lattimore.

Mayfield.

Ratliff.

Sturgeon.

Terrell, Wise

Townsend.

Vaughan.

Ward.

Warren.

Present—Not Voting.

Perkins.

PAIRED.

Senator McNealus (present), who would vote "nay," with Senator Murray (absent), who would vote "yea."

Action then recurred on the amendment by Senator McNealus to Senate bill No. 139.

Senator McNealus asked unanimous consent to withdraw his amendment, but there was objection.

Senator Watson made the point of order to the amendment as follows:

I make the point of order that the amendment to Senate bill No. 139, offered by the Senator from Dallas, is unconstitutional, and would render the entire bill void if adopted, because the same proposes to levy a State occupation tax upon pool tables in the sum of \$500 and in favor of the county and cities each of \$500, the same being violative of Article 8, Section 1 of the Constitution, which provides that the occupation tax levied by any county, city or town against any person or corporation pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business.

Senator McNealus again asked unanimous consent to withdraw the amendment, and there was objection.

The point of order was raised that the amendment could, under Rule 39, be withdrawn, regardless of objection.

The Chair (President Pro Tem. Hudspeth) held that the amendment was a part of the record in view of the former action on same, but that

under ordinary circumstances could be withdrawn.

Senator Cofer then moved to table the amendment by Senator McNealus, but the Chair held that the motion was not in order pending the point of order by Senator Watson.

The Chair, pending discussion, sustained the point of order by Senator Watson, holding that amendment was unconstitutional and was out of order.

Senator Lattimore offered the following amendment to the bill:

Amend printed bill, page 1, line 7, in the caption of said bill, by inserting after the word "providing for" the following: "The control and regulation of pool halls, billiard halls, and places where pool tables and billiard tables are kept and conducted for profit and for."

Senator Watson made the point of order that the amendment did not disclose the purpose of the bill, in that it changed the main purpose of the bill.

The Chair sustained the point of order.

Senator Lattimore appealed from the ruling of the Chair.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 174, A bill to be entitled "An Act to amend Chapter 79 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, and Chapter 51, Acts of the Thirty-first Legislature, approved March 16, 1909, creating a more efficient road system for Brown county; providing for the creation of road districts in any political subdivision or any defined district hereafter to be described in said county, prescribing the procedure necessary to the creation of such district; authorizing such districts to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners' court of said county, of macadamized, graveled or paved roads or turnpikes, or in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued, declaring the qualification of voters at such election; pro-

viding for the interest on such bond and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for such purposes; providing for the investment of said sinking funds and for its custody and deposit when not invested; providing that the court shall take notice of this Act in the same manner as General Laws of this State, making it cumulative of the General Laws of this State, except when in conflict with this Act, and declaring an emergency," with amendment.

Senate bill No. 43, A bill to be entitled "An Act to amend Section 10, of Chapter 23 of the General Laws of the First Called Session of the Thirtieth Legislature so as to extend the time within which and prescribe conditions upon which domestic and foreign corporations which are now in default in payment of franchise taxes and penalties may pay same and have their right to do business revived by extending until the first of September, A. D. 1911, the time during which such corporations embraced within the terms of said Act may pay to the Secretary of State franchise taxes and penalties referred to in said Act, and have their rights to do business revived, and providing for forfeitures of the charters of such domestic corporations as may fail so to do, and declaring an emergency," with amendments.

Senate bill No. 31, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1900, and which have failed or are about to fail to construct their roads and branches, or any part thereof within the time required by law, with emergency," with amendments.

House bill No. 253, A bill to be entitled "An Act amending the special road laws in force in Smith county, Texas, authorizing the commissioners' court of said county to appoint a county road superintendent defining the powers and duties of the road superintendent and road overseer; providing for the working of county convicts on public roads; providing for the collection of delinquent poll taxes; providing for the application of the road and bridge fund collected on property situated in incorporated towns and cities, and repealing House bill No. 740, Chapter 83, of the Acts

of the Thirtieth Legislature of Texas, 1904, Sections Nos. 1 to 23 inclusive, and enacting this bill in lieu thereof which shall be cumulative of the general road laws of Texas, as applicable to Smith county, and the special Smith county road law of the Twenty-ninth Legislature, 1905, same being Chapter 4 of said special acts, providing that where any portion of the general road laws of said special road laws applicable to Smith county shall conflict herewith, this act shall take precedence, and declaring an emergency," with engrossed rider.

Senate bill No. 255, A bill to be entitled "An Act to amend the charter of the city of Gainesville, approved March 17, 1909, by creating a board of water commissioners, to be appointed by the city council, and prescribing the powers and duties of such board, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives

**SENATE BILL NO. 174—HOUSE
AMENDMENTS CONCURRED IN.**

Senator Adams called up

Senate bill No. 174, A bill to be entitled "An Act to amend Chapter 79 of the General Laws of the State of Texas, passed by the Twenty-seventh Legislature, and Chapter 51, Act of the Thirty-first Legislature, approved March 16, 1909, creating a more efficient road system for Brown county; providing for the creation of road districts in any political subdivision of any defined district hereafter to be described in said county, prescribing the procedure necessary to the creation of such district; authorizing such districts to issue bonds for the purpose of constructing and maintaining under the direction of the commissioners' court of said county, of macademized, graveled and paved roads or turnpikes, or in aid thereof; providing for the holding of election and the manner thereof, to determine whether or not said bonds shall be issued, declaring the qualifications of voters at such election; providing for the interest on such bonds and creating a sinking fund for the retirement of same, and providing for the assessment and collection of taxes for such purposes; providing for the investment of said sinking funds and for its custody and deposit when not in-

vested; providing that the court shall take notice of this Act in the same manner as General Laws of this State, making it cumulative of the General Laws of this State, except when in conflict with this Act, and declaring an emergency," with the following House amendments:

House amendments to Senate bill No. 174:

Amend Senate bill No. 174, page 3, line 17, by inserting in line 17 after the word "maturity," the following: "and cost of assessing, collecting and disbursing the same."

Amend Senate bill No. 174, page 2, line 25, by striking out the number 3 and inserting in lieu thereof the number 14.

On motion of Senator Adams, the House amendments were concurred in.

RECESS.

On motion of Senator Ratliff the Senate, at 1 o'clock p. m., recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

**HOUSE BILL NO. 361—TO BE NOT
PRINTED.**

Senator Meachum moved that House bill No. 361 be recalled from the printer and that it be ordered "not printed."

The motion prevailed.

(President Pro Tem. Hudspeth in the chair.)

**SENATE BILL NO. 163—HOUSE
AMENDMENTS CONCUR-
RED IN.**

Action recurred on Senate bill No. 163, which had been set for this hour, the question being on the motion to concur in the House amendments to the bill, (see former proceedings of today for the amendments and other motions.)

The motion by Senator Hume to concur in the House amendments prevailed by the following vote:

Yeas—29.		Ward.	Warren.
Adams.	Peeler.	Present—Not Voting.	
Astin.	Perkins.		
Bryan.	Ratliff.		
Carter.	Real.	Hudspeth.	Perkins.
Cofer.	Sturgeon.		Absent.
Collins.	Terrell, McLennan		
Greer.	Terrell, Wise.		
Hudspeth.	Townsend.	Kauffman.	
Hume.	Vaughan.		PAIRED.
Johnson.	Ward.		
Lattimore.	Warren.		
Mayfield.	Watson.		
McNealus.	Weinert.		
Meachum.	Willacy.		
Paulus.			
Absent.			
Kauffman.	Murray.		
Senator Hume moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.			
The motion to table prevailed.			
SENATE BILL NO. 139.			
Action recurred on the pending business, Senate bill No. 139, the question being on the appeal from the ruling of the chair, the ruling being the sustaining of the point of order to the amendment by Senator Lattimore.			
Senator Lattimore appealed from the ruling of the Chair.			
Senator Peeler was called to the chair and presided.			
Question—Shall the Chair be sustained.			
The Senate refused to sustain the ruling of the Chair by the following vote:			
Yeas—10.			
Adams.	Peeler.	Bryan.	Paulus.
Astin.	Real.	Carter.	Perkins.
Hume.	Watson.	Cofer.	Ratliff.
Meachum.	Weinert.	Collins.	Sturgeon.
Paulus.	Willacy.	Greer.	Terrell, Wise.
		Lattimore.	Vaughan.
		Mayfield.	Ward.
		McNealus.	Warren.
		Nays—12.	
		Adams.	Real.
		Astin.	Terrell, McLennan
		Hudspeth.	Townsend.
		Hume.	Watson.
		Meachum.	Weinert.
		Peeler.	Willacy.
		Present—Not Voting.	
		Johnson.	
		Absent.	
		Kauffman.	Murray.
On motion of Senator Sturgeon the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:			

Yeas—25.

Astin.	Ratliff.
Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, McLennan
Collins.	Terrell, Wise.
Greer.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Meachum.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—4.

Adams.	Hume.
Hudspeth.	Johnson.

Absent.

Kauffman.	Murray.
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The bill was read third time and passed by the following vote:

Yeas—15.

Bryan.	McNealus.
Carter.	Perkins.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren
Mayfield.	

Nays—13.

Adams.	Real.
Astin.	Terrell, McLennan
Hudspeth.	Townsend.
Hume.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Kauffman.	Ratliff.
Murray.	

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion of the table.

The motion to table prevailed.

FIFTH HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Feb. 23, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following

House Concurrent Resolution No. 27, relative to sine die adjournment of the Thirty-second Legislature.

Respectfully,

BOB BARKER,

Chief Clerk House of Representative.

HOUSE BILL NO. 23.

Senator Carter moved that the pending business (House bill No. 19) be suspended, and the Senate take up, out of its order House bill No. 23.

Senator Johnson moved to table the motion to suspend the pending order of business, which motion to table was lost by the following vote:

Yeas—10.

Adams.	McNealus.
Bryan.	Ratliff.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.

Nays—17.

Astin.	Peeler.
Carter.	Perkins.
Hudspeth.	Real.
Hume.	Sturgeon.
Kauffman.	Terrell, McLennan
Lattimore.	Warren.
Mayfield.	Weinert.
Meachum.	Willacy.
Paulus.	

Present—Not Voting.

Greer.

Absent.

Murray.	Watson.
Ward.	

The motion by Senator Carter was then adopted by the following vote:

Yeas—21.

Adams.	Astin.
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Carter.	Perkins.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—8.

Bryan.	Ratliff.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.

Present—Not Voting.

Mayfield.

Absent.

Murray.

REASONS FOR VOTE.

I vote "nay" to take up House bill No. 23 out of its regular order, for the reason that I have heretofore agreed with others to take up the House bills in their numerical order, to expediate the transaction of business, and we will get to this bill in a day or so. I am in favor of this bill and will vote for same on its final passage. TOWNSEND.

I vote "nay" against taking up House bill No. 23 out of its regular order, because am in favor of standing by the regular order of business, and am opposed to displacing the bill favored by the Senator from Hall to accommodate the Senator from Shelby. Both bills can be disposed of the same day if the Senate would but stick to the regular order of business. VAUGHAN.

I voted against the taking up of this bill out of its order because I had agreed with others to follow the calendar, and there was a bill ahead of No. 23 on the calendar, and we had ample time to take up and pass before adjournment said bill No. 23. COLLINS.

I vote "nay" against taking up House bill No. 23 not because I am against it. On the contrary I strongly favor it and will vote for its passage. Senator Johnson is demanding consideration of House Bill No.

19, the pending business. It is a loss of time to displace Senator Johnson's bill when it can be acted on and then House Bill No. 23 can be reached in the regular order of the House calendar and passed. I had agreed with Senator Johnson and others to adhere to the calendar and thus conserve the time of the Senate. We owe it to the House to consider its bills in regular order.

COFER.

The Chair laid before the Senate on second reading

House bill No. 23, A bill to be entitled "An Act creating the offense of pandering and to define and prohibit same. To provide for the punishment therefor, and providing what shall not be a defense, and declaring an emergency."

The bill having been read, Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend after Section 3, page 2, the following:

"Section 3a. Any person who shall keep, or be concerned in keeping or maintaining any house or station or place of rendezvous or place of resort for females, under the guise of securing for such female a place of employment, but with the intent to place such female in a house of prostitution, or in the possession of another person to be used for prostitution, shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for a term of years not less than five. Any person keeping such house or station or place of rendezvous or resort for females, who shall employ any other person to procure any female to go to such place of resort, shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for any term of years not less than five."

(President Pro Tem. Hudspeth in the chair.)

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Hudspeth) had referred, after their captions had been read, the following House bills:

House bill No. 207, referred to Judiciary Committee No. 1.

House bill No. 254, referred to Committee on Roads, Bridges and Ferries.

House bill No. 263, referred to Judiciary Committee No. 2.

House bill No. 288, referred to Committee on Educational Affairs.

House bill No. 401, referred to Committee on Judicial Districts.

House bill No. 416, referred to Committee on Roads, Bridges and Ferries.

House bill No. 431, referred to Committee on Roads, Bridges and Ferries.

House bill No. 232, referred to Committee on Towns and City Corporations.

House bill No. 299, referred to Committee on Roads, Bridges and Ferries.

House bill No. 300, referred to Committee on Roads, Bridges and Ferries.

House bill No. 311, referred to Committee on Stock and Stock Raising.

House bill No. 317, referred to Committee on Towns and City Corporations.

House bill No. 321, referred to Committee on Judicial Districts.

House bill No. 323, referred to Committee on Roads, Bridges and Ferries.

House bill No. 324, referred to Committee on Roads, Bridges and Ferries.

House bill No. 345, referred to Committee on Roads, Bridges and Ferries.

House bill No. 428, referred to Committee on Roads, Bridges and Ferries.

House bill No. 439, referred to Committee on Judicial Districts.

House bill No. 353, referred to Committee on Roads, Bridges and Ferries.

House bill No. 372, referred to Committee on Roads, Bridges and Ferries.

House bill No. 377, referred to Committee on Towns and City Corporations.

House bill No. 384, referred to Judiciary Committee No. 1.

House bill No. 385, referred to Committee on Roads, Bridges and Ferries.

House bill No. 396, referred to Committee on Roads, Bridges and Ferries.

House bill No. 397, referred to

Committee on Roads, Bridges and Ferries.

House bill No. 441, referred to Committee on Roads, Bridges and Ferries.

House bill No. 442, referred to Committee on Roads, Bridges and Ferries.

House bill No. 253, referred to Committee on Roads, Bridges and Ferries.

House bill No. 430, referred to Committee on Roads, Bridges and Ferries.

House bill No. 431, referred to Committee on Roads, Bridges and Ferries.

HOUSE CONCURRENT RESOLUTION NO. 27—REFERRED TO COMMITTEE.

House Concurrent Resolution No. 27, relative to sine die adjournment, was read and Senator Vaughan moved that resolution be referred to Committee on Constitutional Amendments.

Senator Wehnert moved, as a substitute, that the resolution be referred to Committee on Finance. The substitute motion was lost by the following vote:

Yeas—10.

Adams.	Peeler.
Astin.	Perkins.
Hudspeth.	Real.
Hume.	Watson.
Kauffman.	Wehnert.

Nays—15.

Bryan.	Ratliff.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Paulus.	

Present—Not Voting.

Carter.	Meachum.
Johnson.	Willacy.

Absent.

Murray.	Terrell, McLennan
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The motion to refer the resolution to Committee on Constitutional Amendments was then adopted.

(Senator Peeler in the chair.)

HOUSE BILL NO. 23.

Action recurred on House bill No. 23, the pending business.

Senator Lattimore offered the following amendment, which was read and adopted.

Amend printed bill, page 2, line 20, by inserting after the word "or" the words "in which."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend printed bill, page 2, line 12, by inserting after the word "be" the following: "deemed guilty of a felony and shall be."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend printed bill, page 2, line 25, by striking out word "him" and inserting in lieu thereof the following: "such accused."

Also amend printed bill, page 2, line 23, by adding the letter "s," so that same shall read "sections."

Bill read second time, and passed to a third reading.

On motion of Senator Carter the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
McNealus.	Willacy.
Meachum.	

Absent

Murray. Vaughan.

The bill was read third time and passed by the following vote:

Yeas—29.

Adams. Astin.

Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.
Peeler.	

Absent.

Bryan.

Murray.

Senator Carter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 299—REFUSE TO TAKE UP.

Senator Ward moved that the regular order of business (House bill No. 19) be suspended and the Senate take up, out of its order, Senate bill No. 299.

Senator Johnson moved, as a substitute, that the regular order of business, House bill No. 19, be taken up.

The roll was called on the substitute motion, and before the same was announced, Senator Hudspeth made the point of order that the motion by Senator Johnson was out of order, in that House bill No. 19 was the regular order.

The Chair, Senator Peeler, sustained the point of order, and the roll call is not shown here.

Action then recurred on the motion by Senator Ward to suspend and take up Senate bill No. 299, and the same was lost by the following vote, four-fifths of those present being necessary:

Yeas—19.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Kauffman.	Townsend.
Mayfield.	Ward.
Meachum.	

Nays—4.

Collins. McNealus.
Lattimore. Vaughan.

Present—Not Voting.

Johnson.

Absent.

Murray.

PAIRED

Senator Warren (present), who would vote "nay," with Senator Willacy (absent), who would vote "yea."

Senator Greer (present), who would vote "yea," with Senator Weinert (absent), who would vote "nay."

Senator Watson (present), who would vote "yea," with Senator Sturgeon (absent), who would vote "nay."

HOUSE BILL NO. 19.

The Chair laid before the Senate on second reading, and as regular order,

House bill No. 19, A bill to be entitled "An Act to provide for the filing in the General Land Office of claims of transfer of title to portions of the sold public free school lands, University and asylum lands of this State, and the opening of accounts in the name of and patenting to the holders of such chains of transfer, such lands in cases where such transfers have been executed by the heirs, executors, administrators or survivors in community of deceased persons, or by the guardians of persons of unsound mind or minors, and in all cases where title has emanated through and regular court proceedings of this State, and in cases where such transfer has been executed by trustees under deeds of trust, mortgages under mortgagees with power of sale or by sheriff's or other officers of court, acting under executions and orders of sale issued out of the courts of this State, and declaring an emergency."

Bill read second time and passed to third reading.

On motion of Senator Johnson the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Ratliff.
Greer.	Real.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.

Absent.

Murray.	Weinert.
Sturgeon.	Willacy.
Warren.	

The bill was read third time and passed by the following vote:

Yeas—27.

Adams.	Meachum.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.
McNealus.	

Absent.

Murray.	Weinert.
Warren.	Willacy.

Senator Johnson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 361.

On motion of Senator Meachum the regular order of business (House bill No. 64) was suspended, and the Senate took up, out of order, House bill No. 361 (by unanimous consent).

The Chair laid before the Senate on second reading

House bill No. 361, A bill to be

entitled "An Act creating the Hollis Independent School District in Madison county, Texas, defining its metes and bounds; providing for a board of trustees therefor; vesting it with the rights and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Meachum the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Meachum.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.
McNealus.	

Absent.

Collins.	Warren.
Murray.	Weinert.
Sturgeon.	Willacy.

The bill was read third time and passed by the following vote:

Yeas—24.

Adams.	Meachum.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Watson.

Absent.

Collins.	Johnson.
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Murray.
Sturgeon.
Warren.

Weinert.
Willacy.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed

SENATE BILL NO. 299.

On motion of Senator Ward the regular order of business (House bill No. 64) was suspended and the Senate took up, out of its order, Senate bill No. 299 (by unanimous consent).

On motion of Senator Ward the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—25.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Johnson.	Terrell of Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Watson.
Meachum.	

Absent.

Collins.	Warren.
Hume.	Weinert.
Murray.	Willacy.

On motion of Senator Ward the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading

Senate bill No. 299, an independent school district bill (see "Bills and Resolutions" for caption).

Bill read second time and ordered engrossed.

On motion of Senator Ward the constitutional rule requiring bills to be read on three several days was

suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Kauffman.	Terrell of Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Meachum.	Watson.

Absent.

Collins.	Warren.
Hume.	Weinert.
Johnson.	Willacy.
Murray.	

The bill was read third time and passed by the following vote:

Yeas—24.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Johnson.	Terrell, McLennan
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Meachum.	Watson.

Absent.

Bryan.	Warren.
Collins.	Weinert.
Hume.	Willacy.
Murray.	

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 138.

On motion of Senator Ratliff the regular order of business (House bill No. 64) was suspended and the Senate took up, out of order, House bill No. 138 (by unanimous consent).

39—S.

The Chair laid before the Senate on second reading

House bill No. 138, A bill to be entitled "An Act to provide for the establishment, organization, and control of public high schools in the common school districts of Texas, making an appropriation for the teaching of agriculture, domestic economy and manual training in said high schools and in certain high schools already established, and declaring an emergency."

Senator Lattimore offered the following amendment, which was read and adopted:

Amend printed bill, page 4, line 17, by inserting after the word "chosen" the following: "who shall decide by lot at their first meeting which two shall hold office for one year and which three shall hold office for two years, and"

HOUSE BILL NO. 232.

On motion of Senator Kauffman the pending order of business (House bill No. 138) was suspended and the Senate took up, out of its order, House bill No. 232 (by unanimous consent).

On motion of Senator Kauffman the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—24.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Watson.

Absent.

Bryan.	Warren.
Collins.	Weinert.
Meachum.	Willacy.
Murray.	

On motion of Senator Kauffman the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of con-

sidering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading

House bill No. 232, amending the city charter of City of Galveston (see House message of today for caption).

Bill read second time and passed to a third reading.

On motion of Senator Kauffman the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Watson.

Absent.

Bryan.	Warren.
Collins.	Weinert.
Meachum.	Willacy.
Murray.	

The bill was read third time and passed by the following vote:

Yeas—23.

Adams.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Watson.
Paulus.	

Absent.

Astin.	Murray.
Bryan.	Warren.
Collins.	Weinert.
Meachum.	Willacy.

Senator Kauffman moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 138.

Action recurred on House bill No. 138, and Senator Lattimore offered the following amendment, which was read and adopted:

Amend printed bill, page 4, lines 21 and 22, by striking out said lines 21 and 22 and inserting in lieu thereof the following: "of each year an election shall be held for such county school trustees, two being elected at the expiration of the term of those first holding for one year, and three being elected at the expiration of those first holding for two years."

Bill read second time, and passed to a third reading.

On motion of Senator Ratliff the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Astin.	Peeler.
Carter.	Perkins.
Cofer.	Ratliff.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Watson.

Absent.

Bryan.	Warren.
Collins.	Weinert.
Meachum.	Willacy.
Murray.	

The bill was read third time and passed by the following vote:

Yeas—22.

Adams.	Hume.
Astin.	Johnson.
Carter.	Lattimore.
Cofer.	Mayfield.
Hudspeth.	McNealus.

Paulus.	Terrell, McLennan.
Peeler.	Terrell, Wise.
Perkins.	Townsend.
Ratliff.	Vaughan.
Real.	Ward.
Sturgeon.	Watson.

Nays—1.

Kauffman.

Present—Not Voting.

Greer.

Absent.

Bryan.	Warren.
Collins.	Weinert.
Meachum.	Willacy.
Murray.	

Senator Ratliff moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 397.

On motion of Senator Mayfield, the regular order of business (House bill No. 64) was suspended, and the Senate took up, out of its order, Senate bill No. 397, by unanimous consent.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—25.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.
McNealus.	

Absent.

Greer.	Warren.
Meachum.	Weinert.
Murray.	Willacy.

On motion of Senator Mayfield, the Senate rule requiring committee re-

ports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 397, local road law Bosque county (see House Message for caption).

Bill read second time, passed to a third reading.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Hume.
Carter.	Ratliff.
Cofer.	Real.
Hudspeth.	Sturgeon.
Johnson.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Vaughan.
McNealus.	Ward.
Paulus.	Watson.

Absent.

Collins.	Warren.
Greer.	Weinert.
Meachum.	Willacy.
Murray.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.
McNealus.	

Absent.

Collins.	Meachum.
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Murray.
Warren.

Weinert.
Willacy.

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 396.

On motion of Senator Carter, the pending order of business (House bill No. 64) was suspended, and the Senate took up, out of its order, House bill No. 396 by unanimous consent.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—22.

Adams.	McNealus.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Cofer.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.

Absent.

Collins.	Ratliff.
Kauffman.	Warren.
Meachum.	Weinert.
Murray.	Willacy.
Perkins.	

On motion of Senator Carter, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 396, a local road law for Gregg county (see House message for caption).

Bill read second time, and passed to a third reading.

On motion of Senator Carter, the constitutional rule requiring bills to be

read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Mayfield.
Astin.	McNealus.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Watson.
Lattimore.	

Absent.

Meachum.	Terrell, McLennan.
Murray.	Warren.
Perkins.	Weinert.
Ratliff.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Mayfield.
Astin.	McNealus.
Bryan.	Paulus.
Carter.	Peeler.
Cofer.	Perkins.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Watson.

Absent.

Meachum.	Warren.
Murray.	Weinert.
Ratliff.	Willacy.
Terrell, McLennan.	

Senator Carter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion prevailed.

HOUSE BILL NO. 32.

On motion of Senators Vaughan and Mayfield, the regular order of business (House bill No. 64) was suspended, and the Senate took up, out of its order,

House bill No. 32, by unanimous consent.

The Chair laid before the Senate on second reading,

House bill No. 32, A bill to be entitled "An Act providing that the owners, lessees, operators or receivers of all cotton gins in the State shall write or stamp with indelible ink upon each and every bale of cotton ginned the word 'Tare,' the weight of the bagging and ties in which the cotton is wrapper, written or stamped with indelible ink in plain figures, defining separate offenses and providing penalties, declaring it unlawful for any person, firm, corporation, cotton exchange or board of trade to make greater deductions for tare either from the gross weight of any bale of cotton or the price of same than is shown by the figures written or stamped thereon, defining separate offenses, providing penalties and declaring an emergency."

Bill read second time and passed to a third reading.

On motion of Senator Vaughan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Watson.
Paulus.	

Nays—5.

Adams.	Kauffman.
Astin.	Peeler.
Hume.	

Absent.

Meachum.	Weinert.
Murray.	Willacy.
Warren.	

(President Pro Tem. Hudspeth in the Chair.)

SIXTH HOUSE MESSAGE.

Hall of the House of Representatives.

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 427, A bill to be entitled "An Act to create the Golden Rule Independent School District situated in Grayson county, Texas; describing the same by metes and bounds; prescribing the rights, duties, powers and privileges of said school district, and declaring an emergency."

Respectfully,
BOB BARKER,

Chief Clerk House of Representatives.

SEVENTH HOUSE MESSAGE.

Hall of the House of Representatives.

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 131, A bill to be entitled 'An Act to amend Chapter 80, Special Laws passed by the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 15, 1907, and to amend Chapter 71 of the Special Laws passed by the Regular Session of the Thirty-first Legislature of the State of Texas, approved March 17, 1909, and to create a more efficient road law for Lee county, Texas, to authorize and empower the said county to issue bonds or levy a tax for the construction of bridges and the construction and maintenance of public roads and highways in said county, and regulating the compensation of certain officers, providing for the working of convicts on county roads, relieving certain persons subject to road duty from such duty upon the payment of certain sums of money, providing for the number of days road hands are subject to duty and providing certain duties and powers of the commissioners' court of said county, and fixing the compensation of the members of said court for said service; providing for the collection of poll taxes due the county by labor upon

public roads; providing for the condemnation of lands and property for public road use; providing for certain drainage ditches," etc.

Senate bill No. 192, A bill to be entitled "An Act to amend Section 20 of Chapter 411, Special Laws of the Acts of the Twenty-ninth Legislature of the State of Texas, entitled An Act to create a more efficient road system for Dallas county, Texas, fixing the duties and powers of the commissioners court of said county relative to roads and bridges, to authorize the commissioners court of Dallas county to issue bonds for the purpose of building, constructing and repairing roads and bridges in said county, and prescribing limitations upon the exercise of such power, and declaring an emergency."

House bill No. 182, A bill to be entitled "An Act to create the county of Culberson out of a part of the territory included within the limits of the county of El Paso, in the State of Texas, and to provide for the organization of said county of Culberson."

Senate bill No. 188, A bill to be entitled "An Act to amend Section 14 of special road law of Johnson county, passed at the Regular Session of the Twenty-ninth Legislature." with amendments.

Senate bill No. 222, A bill to be entitled, "An Act to create the South Park Independent School District, known as Common School District No. 6, in Jefferson county, Texas, to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, and declaring an emergency."

Senate bill No. 254, A bill to be entitled "An Act to grant a charter for the city of Terrell, in Kauffman county, Texas, validating the Acts of the said city as it heretofore existed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Also concurs in Senate amendments to House bill No. 23.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

SENATE BILL NO. 192.

Senator McNealus called up:

Senate bill No. 192, A bill to be

entitled "An Act to amend Section 20 of Chapter 41, Special Laws of the Acts of the Twenty-ninth Legislature of the State of Texas, entitled An Act to create a more efficient road system for Dallas county, Texas, fixing the duties and powers of the commissioners' court of said county relative to roads and bridges, to authorize the commissioners' court of Dallas county to issue bonds for the purpose of building, constructing and repairing roads and bridges in said county and prescribing limitations upon the exercise of such power, and declaring an emergency," with the following House amendments:

Amendments to Senate bill No. 192. Amend the bill by inserting after the enacting clause the following:

"Section 1. That Section 20 of Chapter 41, Special Laws of the Acts of the Twenty-ninth Legislature of the State of Texas, entitled "An Act to create a more efficient road system for Dallas county, Texas, fixing the duties and powers of the commissioners' court of said county relative to roads and bridges, to authorize the commissioners' court of Dallas county to issue bonds for the purpose of building, constructing and repairing roads and bridges in said county, and prescribing limitations upon the exercise of such power, and declaring an emergency," be so amended as to read as follows:

"Amend the bill by striking out all after line 17, page 3, and insert in lieu thereof the following:

"Section 2. The condition of the bridges in Dallas county creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule which requires bills to be read on three several days, and said rule is so suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Amend the bill by striking out "\$10,000.00," in line 8, page 3, and insert in lieu thereof "\$5,000.00."

Amend Senate bill No. 192 by adding after the word "county" in line 11, page 3, the following:

"Provided that said commissioners' court shall have the right to issue one bond or one series of bonds not to exceed the sum of \$5,000.00, as herein provided, upon a vote of a majority of the members of said commissioners' court, but the said commissioners' court shall never

have the right to issue any other or additional bond without an election of the qualified property tax paying voters of the county, as herein provided, except upon a vote of at least four members of said commissioners' court."

Senator McNealus moved that the Senate concur in the House amendments, which motion prevailed by the following vote:

Yeas—29.

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
McNealus.	Willacy.
Meachum.	

Absent.

Murray. Terrell, McLennan.

Senator McNealus moved to reconsider the vote by which the amendments were concurred in and lay that motion on the table.

The motion to table prevailed.

SENATE JOINT RESOLUTION
NO. 5.

On motion of Senator Watson the pending order of business (House bill No. 32) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 5, by unanimous consent.

The Chair laid before the Senate on third reading

Senate Joint Resolution No. 5, "To amend Section 3 of Article 7 of the Constitution of the State of Texas in regard to the taxing power of school districts, incorporated cities and towns and counties."

Senator Watson offered the following amendment:

Amend the engrossed bill, Section 2, page 5, line 13, by striking out the words "and counties," and by striking out the words "and counties" in line 21 of same section.

The amendment was adopted by the following vote:

Yeas—27.

Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Paulus.	

Present—Not Voting.

Adams.

Absent.

Greer. Terrell, McLennan.
Murray.

The resolution was then read third time and passed by the following vote:

Yeas—27.

Adams.	Peeler.
Astin.	Perkins.
Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Paulus.	

Absent.

Greer. Murray.
Hume. Terrell, McLennan.

Senator Watson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

REFUSE TO RECESS.

Senator Perkins moved that the Senate recess until 8 o'clock tonight, but the motion was lost by the following vote:

Yeas—12.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kauffman.	Watson.
Meachum.	Willacy.

Nays—16.

Bryan.	Ratliff.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Johnson.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
McNealus.	Weinert.

Absent—Excused.

Greer.	Terrell, McLennan.
Murray.	

HOUSE BILL NO. 32.

Action recurred on House bill No. 32, and Senator Mayfield moved the previous question on the final passage of the bill, which motion was duly seconded.

The motion for the previous question was ordered by the following vote:

Yeas—17.

Bryan.	Ratliff.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Johnson.	Townsend.
Lattimore.	Vaughan.
Mayfield.	Ward.
McNealus.	Warren.
Perkins.	

Nays—10.

Adams.	Meachum.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Watson.
Kauffman.	Willacy.

Absent.

Greer.	Terrell, McLennan.
Murray.	Weinert.

The bill was read third time and passed

Senator Terrell of Wise moved to

reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed

HOUSE BILL NO. 65.

On motion of Senator Terrell of Wise, the regular order of business (House bill No. 64) was suspended, and the Senate took up, out of its order, House bill No. 65, by unanimous consent.

The Chair laid before the Senate on second reading,

House bill No. 65, A bill to be entitled "An Act to prohibit any person, association of persons, corporation or receiver, owning, operating or managing any mine in this State from feeding or permitting to be fed any work animal in said mines, or to keep any feed for such animal in said mines; providing that no work animal shall be permitted to remain in any mine longer than ten consecutive hours; fixing penalties for the violation of this Act, and declaring an emergency."

The bill having been read

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend the bill, line 8, page 2, after the word "shift," add the following: "is out of the mine."

The bill having been read second time was passed to a third reading.

REPLY FROM SENATOR
CULBERSON.

Washington, D. C., Feb. 23, 1911.
Hon. A. B. Davidson, Lieutenant Governor, Austin:

It is possible that Senate committee will meet to consider Apportionment bill next Tuesday.

C. A. CULBERSON.

RECESS.

On motion of Senator Perkins, the Senate, at 7:15 o'clock p. m., recessed until 8:30 o'clock tonight.

AFTER RECESS.

(Night Session.)

The Senate was called to order by President Pro Tem. Hudspeth.

BILLS SIGNED.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills:

Senate bill No. 36, A bill to be entitled "An Act to amend Section 24, of Article 642, Title 21, Chapter 2, of the Revised Statutes of the State of Texas, providing for the creation of corporations for the purchase and sale of goods, wares, merchandise and agricultural and farm products, so that said section shall also include creation of such corporations for the purpose of gathering and preparing such products for the market, and the purchase, sale and disposal of machinery, appliances and tools of use in connection therewith, and declaring an emergency."

Senate bill No. 266, A bill to be entitled "An Act to create a special road system for Ellis county, Texas, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Meachum, the Senate, at 8:35 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 12, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

House bill No. 6, a bill to be entitled "An Act making void all assignments, sales or pledges of unearned wages of salary or other compensation for personal service."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but the following committee substitute pass in lieu thereof.

Committee substitute, A bill to be entitled "An Act making void all assignments, sales or pledges of unearned wages or salary or other compensation for personal services.

Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter all orders for

and all assignments, sales or pledges of unearned wages shall be void, unless such order, assignment, sale or pledge shall be accepted or consented to in writing by the employer of said wage earner."

WARD, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Judiciary Committee No. 2, to whom was referred

House bill No. 160, A bill to be entitled "An Act to amend House bill No. 345, Chapter 114, Laws of the Thirtieth Legislature, approved April 19, 1907, making lawful the purchase and sale of wild ducks and wild geese, when lawfully killed, and permitting the shipment thereof within this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WATSON, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

House bill No. 160, A bill to be entitled "An Act to amend House bill No. 345, Chapter 114, Laws of the Thirtieth Legislature, approved April 19, 1907, making the purchase and sale of wild ducks and wild geese, when lawfully killed, and permitting the shipment thereof within this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COFER.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your

Judiciary Committee No. 1, to whom was referred

Senate bill No. 179, a bill to be entitled "An Act to amend Article 2977, Title 55, Chapter 4, of the Revised Civil Statutes of the State of Texas relating to divorce."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WARD, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 179, A bill to be entitled "An Act to amend Article 2977, Title 55, Chapter 4, of the Revised Civil Statutes of the State of Texas relating to divorce."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HUME.

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 5,

To amend Section 3 of Article 7 of the Constitution of the State of Texas in regard to the taxing power of school districts, incorporated cities and towns."

And find the same correctly engrossed.

COFER, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir. We, a majority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 10, "To amend Article 8, Section 16, of the Constitution of the State of Texas, providing for the election of a collector of taxes in each county of the State, and that each collector of taxes shall perform the du-

ties of assessor of taxes therein, and providing that collectors of taxes shall receive such compensation as may be fixed by the Legislature and the commissioners courts."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

TERRELL of McLennan,
Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 10, "To amend Article 8, Section 16, of the Constitution of the State of Texas, providing for the election of a collector of taxes in each county of the State, and that each collector of taxes in each county shall perform the duties of assessor of taxes therein, and providing that collectors of taxes shall receive such compensation as may be fixed by the Legislature, and the commissioners courts."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

LATTIMORE.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 13, "Proposing amendment to the State Constitution, amending Article 5 of the Constitution relating to judicial department of the State government" by adopting in lieu thereof the following:

Senate Joint Resolution to amend Article 5 of the State Constitution of the State of Texas in regard to the judicial department.

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

TERRELL of McLennan,
Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 13, "Proposing amendment to the State Constitution, amending Article 5 of the Constitution relating to the Judicial Department of the State Government," by adopting in lieu thereof the following:

Senate Joint Resolution "to amend Article 5 of the State Constitution of the State of Texas in regard to the Judicial Department."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

STURGEON,
COLLINS.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 11, "To amend Article 8, Section 14, of the Constitution of the State of Texas, providing that the collector of taxes of each county shall perform the duties of assessor of taxes,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

TERRELL of McLennan,
Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 11, "To amend Article 8, Section 14, of the Constitution of the State of Texas, providing that the collector of taxes of each county shall perform the duties of assessor of taxes."

Have had the same under consid-

eration, and beg leave to report it back to the Senate, with the recommendation that it do not pass.

LATTIMORE.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 12, "To amend Article 16, Section 44, of the Constitution of the State of Texas, providing for the election of county surveyors and providing that the treasurer of each county shall be that person who offers satisfactory bond and the best bid of interest on daily balances."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

TERRELL of McLennan,
Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 12, "To amend Article 16, Section 44, of the Constitution of the State of Texas, providing for the election of county surveyors and providing that the treasurer of each county shall be that person who offers satisfactory bond and the best bid of interest on daily balances."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

LATTIMORE.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 22, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Mining and Irrigation, to whom was referred

House bill No. 216, A bill to be en-

titled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction of canal systems and storage reservoirs for the irrigation of lands embraced within such districts, and to authorize the issuance of bonds and levy of tax, and to levy and collect taxes for the payment of such bonds, to elect irrigation commissioners and other necessary officers of such district for the purpose of carrying into effect the provisions of this Act; granting the right of eminent domain to such irrigation districts, and authorizing the irrigation commissioners to acquire by purchase, gift or grant for such district title to any right-of-way and other property and generally to do all things necessary for the establishment and maintenance of such districts according to the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Mining and Irrigation, to whom was referred House bill No. 216, known as the Chapin Irrigation bill, have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do not pass, for the following reasons, to wit:

1st. Millions of dollars have been invested in Texas by riparian land owners in the development by irrigation of land having riparian rights, and the effect of this bill would be to authorize and empower land owners having no riparian rights to organize an irrigation district and condemn lands having no riparian rights thereby absolutely destroying the rights under the law of riparian land owners.

2nd. The effect of this bill would be to absolutely destroy the principle or riparian rights of this State.

3rd. Because this bill vitalizes

the right of eminent domain of irrigation districts to such an extent as to authorize the condemnation of improvements, such as pumping sites, etc., entirely outside of the limits of said districts in violation of every principle of justice and right known to our laws.

4th. Because the effect of this bill would be to destroy the securities of many canal companies which have spent millions of dollars in building canals in this State.

5th. Because this bill places the absolute authority in the commissioners court to initiate an irrigation district without suggestion of recommendation from any land owner of said district, and gives the power to such court to initiate the placing of bonds upon such irrigation district without the request or recommendation of any land owner of said district, and further because the conclusion of the commissioners court upon the formation of said district is not subject under said bill to review by any other court and no right is given any land owner in said proposed district either to have his land taken from said district or appeal from the order of said court forming the district, that his rights might be properly protected in some other tribunal; nor is the right given to the individual land owner adjoining said district whose land is subject to irrigation to have his land placed within said district, and to appeal from the order of the commissioners court refusing to have his land placed in such district.

6th. Because said bill not only deprives riparian owners of the rights by the provisions for condemnation, but voters who own no land in said district and who would receive no benefit from said district can, under the provisions of this law, vote a tax and bond for irrigating lands that ought not in justice and right to be watered because the owners thereof have no riparian rights.

For these and many other reasons we recommend that the bill do not pass.

TOWNSEND.

Committee Room,

Austin, Texas, Feb. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on En-

grossed Bills have carefully examined and compared

Senate bill No. 249, A bill to be entitled "An Act conferring upon the Board of Prison Commissioners authority to issue paroles to meritorious convicts and to make and establish rules and regulations to carry the same into effect, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Mining and Irrigation, to whom was referred

Senate bill No. 283, a bill to be entitled "An Act to require persons, firms and corporations who have built or who may hereafter build any dam across any flowing river or natural stream in those portions of this State where by reason of insufficient or of irregularity of rainfall, irrigation is beneficial for agriculture, to equip the same with an opening and gate so as to permit the ordinary flow of such river or stream to pass through such dam; defining the 'ordinary flow' of such streams, and providing a method for measuring the same; providing a rule of damages for failure to comply with this Act; authorizing the impounding of rain, surface and storm waters in the rivers, streams, creeks, canyons, arroyas, ravines, depressions and water sheds of this State, and for the purpose of irrigation, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

(Floor Report.)

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 299, A bill to be entitled "An Act to validate the incorporation of Ferris Independent School District in Ellis county, as incorporated by Chapter 54 of the Special Acts of the Thirty-first Legislature, approved March 16, 1909, and the Acts of the Board of Trus-

tees and other officers of said district since such incorporation, and to declare said district possessed of all the powers sought to be conferred on it by such act of incorporation, and other laws, and to declare an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Perkins, Chairman; Paulus, Collins, Sturgeon, Weinert, Ratliff, Real, Astin, Watson, Warren, Hume.

(Floor Report.)

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 441, A bill to be entitled "An Act to amend Sections 7 and 8, Chapter 34 of the Special Laws of the Regular Session of the Thirtieth Legislature, entitled 'An Act to create a more efficient road system for Washington county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duty as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped convict, and taxing said reward and all actual cost of capturing and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers, wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax payers on the public roads and relieving them from the performance of said road work by the payment of the sum of \$3; and providing further, making this law cumulative, and in case of conflict this Act to govern as to Washington county,' and to add to said chapter Sections 15a and 15b, conferring upon the commissioners' court of said county the authority

to employ a person, with a salary not to exceed \$100 per month, to work under the orders of said court for the purpose of carrying out the provisions of said charter."

Beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Ratliff, Perkins, Johnson, Kauffman, Paulus.

(Floor Report.)

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries to whom was referred,

House bill No. 430, A bill to be entitled, "An Act to amend Chapter 58, being the Special Road Law for Bastrop county as passed by the Thirty-first Legislature, Special Laws being Sections 1 to 16 inclusive, by adding thereto Sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, and 12h, so as to authorize any political subdivision of said county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real and personal property of said political subdivision, and to levy and collect such taxes to pay the interest upon such bonds and provide a sinking fund for the redemption of the same, for the purpose of constructing, maintaining and operating macadamized, graveled, paved or such other kind of public roads or bridges as may seem best to the commissioners court of said county, and declaring an emergency."

Beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Ratliff, Perkins, Johnson, Kauffman, Paulus.

(Floor Report.)

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred,

House bill No. 232, A bill to be entitled, "An Act to amend the charter of the City of Galveston by amending Section 35 thereof so as to authorize the city to condemn property, to open streets, alleys and

public parks; Section 62 thereof so as to include the northwest and the northeast quarters of out-lot 92 as known and designated on the maps and plats of the city of Galveston; subdivision (b) of Section 34 thereof so as to authorize the board of commissioners of said city to require the pavement or improvements of the alleys in said city in the same manner as streets and sidewalks may be required to be improved under the present charter and ordinances of the city of Galveston; Section 32 thereof, so as to authorize the police and fire commissioner to hear and determine charges against policemen and firemen, and by adding to said charter, Section 34a, authorizing said board of commissioners to appropriate and expend annually a sum of not more than \$3,000.00 to provide for public entertainment; Section 35a, authorizing said board to cede and convey streets and alleys in the city of Galveston to the United States Government, which said Government may need for public purposes; Section 78c, ratifying and confirming an ordinance passed by the board of commissioners of the city of Galveston on June 30th 1910, whereby parts of certain streets in said city were closed, delivered and conveyed to the Union Passenger Depot company of Galveston, for the purpose of building thereon a union passenger depot, and other streets in lieu of those so surrendered by the city of Galveston are furnished the said city by the aforesaid the Union Passenger Depot company of Galveston, and further providing for the payment of \$25,000.00 by said the Union Passenger Depot company of Galveston for the pavement of the streets so furnished to said city, and further providing for the building of drains and other public works; Section 16a, authorizing said board of commissioners to require owners of premises situated in the seawall improvement fill to surface the same or cause the same to be done at the expense of the owners and to assess such cost against such premises and create a lien thereon, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

Meachum, Chairman; Collins, McNealus, Hume, Perkins, Kauffman,

Lattimore, Peeler, Vaughan, Hudspeth, Terrell of McLennan.

(Floor Report.)

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 397, a bill to be entitled "An Act to create a more efficient road system for Bosque county in this State, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such and providing for their compensation as such road commissioners; and providing for the condemnation of material for the construction and maintenance of public roads, and to provide for the compensation for the material used, and providing for the working of county convicts on the public roads, and the purchase of supplies for such convicts, and rewards for the capture of escaped convicts and for the commutation of sentence for faithful service and good behavior; and defining the powers and duties of road overseers; and to provide for the summoning of hands and teams for road work, and the allowance for time for the service of hands and teams on public roads, and fixing a penalty for the violation of same, and relieving them from the payment of such work by the payment of three dollars, and providing further for ordering an election to be held in said county by the qualified property tax paying voters to determine whether or not an additional annual ad valorem tax for road and bridge purposes shall be levied and collected in said county, making this Act cumulative of all the general laws now in force, and to repeal all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Ratliff, Perkins, Johnson, Kauffman, Paulus.

(Floor Report.)

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads,

Bridges and Ferries, to whom was referred

House Bill No. 396, A bill to be entitled "An Act to create a more efficient system for Gregg county, making the county commissioners ex officio road commissioners; providing for compensation for county commissioners when engaged in road duties; providing for the employment by the commissioners' court of a road commissioner and limiting his salary to be fixed by the court; further defining the duties of road overseers; defining the duties of county commissioners and the road commissioners; providing for the working of county convicts and delinquent poll tax payers on the public roads, authorizing the employment of guards and the discharging thereof; providing for the relieving of delinquent poll tax payers by the payment of \$3 or the payment to the tax collector of the poll tax with all interest, penalties and cost; providing for rewards and penalties for escaped convicts; making such liable to the county for \$10, and giving the option of working same out at 50 cents per day, and providing for such to be warned by the road commissioner, and providing a penalty in case of failure to pay or work; providing for the duties of road overseers and road hands, making such subject to furnish teams and providing penalties in case of failure to obey summons or warning; relieving all persons liable to road duty upon payment of \$3 to the county treasurer on or before February 1 of each year, giving full powers over the road system, to the commissioners' court; providing that all misdemeanor convicts be promptly committed to the road gang and prescribing penalties for any county judge, county attorney, sheriff, deputy sheriff, justice of the peace or constable who shall fail to so commit or deliver all convicts to the road gang, or who shall upon any partial payment or deposit of money to be thereafter applied on fine of any defendant, continue said defendant case and providing penalties for a violation therefor; providing and authorizing Gregg county upon a vote of a two-thirds majority of the resident property tax paying voters thereon, who are qualified electors of such county to issue bonds in any amount not to exceed one-fifth of the assessed values of the real property of said county in annual

installments of either \$10,000, \$15,000 and \$20,000 dollars; each installment after the first to be issuable at the option of the commissioners' court and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining or operating of macadamized, graded, graveled or paved roads and turnpikes, or in aid thereof; providing the manner of giving notice of such election, fixing method of issuing such bonds as to rate of interest, maturity, option of redemption; making this law cumulative of the general road laws of the State of Texas, and in case of conflict with the general laws of the State, this Act to control as to Gregg county, and declaring an emergency."

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Ratliff, Perkins, Johnson, Kauffman, Paulus.

(Floor Report.)

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

House bill No. 431, A bill to be entitled "An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the county of Jefferson; and to authorize and empower the commissioners court of said county to issue bonds for the construction or purchase of bridges, and the construction and maintenance of public roads and highways within said county, and to provide the manner and mode of working the county convicts of said county upon its public roads and highways, and fixing and regulating the compensation of certain of its officers."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Ratliff, Perkins, Johnson, Kauffman, Paulus.

(Floor Report.)

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred,

House bill-No. 317, A bill to be entitled "An Act to amend the city charter of the city of Greenville, granted by the Thirtieth Legislature, being Chapter 24 of the Local and Special Laws thereof, and the Acts of the Thirty-first Legislature, amendatory of said charter, by adding Section 9a to Article 2, Section 6 to Article 8, and Section 15a to Article 10 thereof; and by amending the following sections: Section 1 of Article 5, Section 9 of Article 6, Section 13a and 15 of Article 10 thereof; to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 139, A bill to be entitled "An Act providing for the control and regulation of pool halls, billiard halls and places where pool tables and billiard tables are kept and conducted for profit, and for the levy and collection of an occupation tax from persons, firms, corporations of persons running or conducting pool and billiard tables; also authorizing each county and incorporated city in which any such pool or billiard table is run or conducted to levy an occupation tax, and declaring an emergency."

And find the same correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 299, A bill to be entitled "An Act to validate the incorporation of Ferris Independent School District in Ellis county, as incorporated by Chapter 54 of the Special Acts of the Thirty-first Legislature, approved March 16, 1909,

and the Acts of the Board of Trustees and other officers of said district since such incorporation, and to declare said district possessed of all the powers sought to be conferred by such act of incorporation, and other laws, and to declare an emergency."

And find the same correctly engrossed.

COFER, Chairman.

PETITIONS AND MEMORIALS.

By Senator Johnson:

Petition numerously signed by business firms of Henrietta expressing opposition to House bills Nos. 271 and 230.

By Senator Warren:

Petitions numerously signed by citizens of Navarro County expressing appreciation of the benefit that would accrue to the citizens of Navarro County and to the State by the consolidation of the Stephenville, North and South Texas Railroad Company with the St. Louis and Southwestern Railway Company, and urging passage of a bill authorizing same.

By Senator Kauffman:

Petition numerously signed by citizens of Brazoria County asking support of House bill No. 352, and expressing oppositoin to House bill No. 341.

By Senator Greer:

Petition numerously signed by citizens of Upshur County asking the legislators to authorize the consolidation of the Cotton Belt Railway with the Eastern Texas Railroad Company and the Stephenville, North and South Texas Railroad Company, and that the bill be passed without amendment.

By Senator Greer:

Petition numerously signed by citizens of his district protesting against the wholesale slaughter of wild geese and ducks and asking the Legislature to enact legislation to confine the killing season from September 1 to January 1 each year, and to reduce the legal number that may be killed.

By Senator McNealus:

Telegram signed by the Dallas

Mothers' Council urging the importance of adopting a law prohibiting the use of the public drinking cup in schools, railway stations and trains.

By Senator Terrell of McLennan:

Memorial from Local Union No. 181, United Garment Workers of Fort Worth, asking support of House bill No. 28, which would require "convict-made" goods to be labeled as such.

By Senator Vaughan:

Petition numerously signed by citizens of Cass County protesting against the enactment of House bill No. 341 as a dangerous and non-progressive spirit as applied to the rural school system.

By Senator Perkins:

Petition numerously signed by citizens of Collin County asking the Legislature to authorize the consolidation of the St. Louis Southwestern Railway Company and the Eastern Texas Railway Company and the Stephenville, North and South Texas Railway Company, and that the bill pass without amendment.

THIRTIETH DAY.

Senate Chamber,

Austin, Texas,

Friday, February 24, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Bryan.	Perkins.
Carter.	Ratliff.
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
McNealus.	Weinert.
Meachum.	Willacy.
Murray.	